

# ENVIRONMENTAL ASSESSMENT BOARD



## ONTARIO HYDRO DEMAND/SUPPLY PLAN HEARINGS

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VOLUME: 1

DATE: Monday, April 22, 1991

BEFORE:

HON. MR. JUSTICE E. SAUNDERS CHAIRMAN

DR. G. CONNELL MEMBER

MS. G. PATTERSON MEMBER

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ENVIRONMENTAL ASSESSMENT BOARD  
ONTARIO HYDRO DEMAND/SUPPLY PLAN HEARING

IN THE MATTER OF the Environmental Assessment Act,  
R.S.O. 1980, c. 140, as amended, and Regulations  
thereunder;

AND IN THE MATTER OF an undertaking by Ontario Hydro  
consisting of a program in respect of activities  
associated with meeting future electricity  
requirements in Ontario.

Held on the 5th Floor, 2200  
Yonge Street, Toronto, Ontario,  
on Monday, the 22nd day of April,  
1991, commencing at 10:00 a.m.

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VOLUME 1  
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B E F O R E :

THE HON. MR. JUSTICE E. SAUNDERS	Chairman
DR. G. CONNELL	Member
MS. G. PATTERSON	Member


S T A F F :

MR. M. HARPUR	Board Counsel
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L. FORMUSA	)	
J.C. SHEPHERD	)	IPPSO
I. MONDROW	)	
J. PASSMORE	)	IPPSO AND SESCO
R. WATSON	)	Municipal Electric
M. MARK	)	Association
C. MACALUSO	)	
S. COUBAN	)	Provincial Government
P. MORAN	)	Agencies
D. ESTRIN	)	NORTH SHORE TRIBAL COUNCIL
C. MARLATT	)	UNION OF ONTARIO INDIANS
B. WATTS	)	UNITED CHIEFS AND COUNCILS OF MANITOULIN WHITEFISH RIVER FIRST NATION
B. TAYLOR	)	MOOSONEE DEVELOPMENT AREA
	)	BOARD
D. POCH	)	COALITION OF ENVIRONMENTAL
D. STARKMAN	)	GROUPS
J. PARKINSON		CITY OF TORONTO
R. POWER	)	CITY OF TORONTO
	)	SOUTH BRUCE
C. SPOEL	)	VOICE OF WOMEN
B. CARR	)	
U. FRANKLIN	)	
S. THOMPSON		ONTARIO FEDERATION OF AGRICULTURE



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A P P E A R A N C E S  
(Cont'd)

B. KELSEY	)	NORTHWATCH
L. GREENSPOON	)	
E. BURT	)	
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M. MATTSON		ENERGY PROBE
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	)	COALITION
N. KLEER	)	NAN TREATY #3, et al
J. OLTHUIS	)	
R. O'SULLIVAN	)	
S. FOBISTER	)	
B. CHEECHOO	)	
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T. HILL		TOWN OF NEWCASTLE
D. ROGERS		ONGA AND NCA
M. MCQUAT		ONGA
S. BLACKBURN		UNION GAS LIMITED
B. BODNAR		CONSUMERS GAS
T. MCCREADY	)	NAPA
F. THATCHER	)	



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1 ---Upon commencing at 10:05 a.m.

2 THE REGISTRAR: This hearing is now in  
3 session. Please be seated.

4 THE CHAIRMAN: We have a number of small  
5 housekeeping matters to deal with in regard of status  
6 since our last full meeting.

7 The new parties are: the Independent  
8 Petroleum Association of Canada, part-time party;  
9 Atomic Energy of Canada Limited, a part-time party;  
10 Friends of Kapuskasing et Ses Amies, part-time party;  
11 Temagami Wilderness Fund, a part-time party; Canadian  
12 Nuclear Society, a participant; Charles Caccia, Member  
13 of Parliament, participant; Direct Energy Marketing  
14 Limited, a participant; Sarnia-Lambton Chamber of  
15 Commerce, participant; Mrs. Patricia Lawson, status  
16 changed from part-time party to participant; North  
17 Canadian Marketing, status changed from part-time party  
18 to full time party; Consumers Gas, status changed from  
19 participant to part-time party.

20 Also, there have been filed a list of  
21 exhibits, or there have been exhibits filed, numbered  
22 consecutively from number 1 through to 87 inclusive.  
23 That list of exhibits I don't intend to read out. That  
24 list of exhibits will be available for those that wish  
25 to have them.

1                   This is the first day in which we are in  
2           a position to start hearing evidence at this hearing.  
3           It is perhaps not without significance that this day  
4           has been designated as Earth Day. That designation  
5           symbolizes a group of concerns about the future of this  
6           planet. Those concerns involve, among other things,  
7           the future use of energy, electrical energy, and  
8           impinge on many of the issues that we will be asked to  
9           consider.

10                   Before we begin to hear the evidence, we  
11           have provided an opportunity for Ontario Hydro and for  
12           the parties to make opening statements.

13                   The purpose of the opening statement is  
14           not to advocate or argue for a particular point of  
15           view, rather the statements are for the purpose of  
16           drawing to the attention of the Panel in a general way  
17           the issues which are of concern to the parties.

18                   The statements may be written or oral or  
19           both. About two dozen parties have indicated that they  
20           intend to make opening statements. When those are  
21           given, when you come to the microphone, we would ask  
22           you to please announce your name and the party that you  
23           represent, so that can be recorded by the hearing  
24           reporter.

25                   As you are all aware, you have been asked

1 to take no more than 15 minutes with your statement.

2 If you do go beyond that time, we will ask you to put  
3 the remainder of your statement, if you haven't had a  
4 chance to finish, in writing, which will then be filed  
5 with the hearing.

6 Ontario Hydro will go first. The vast  
7 number of different points of view represented makes it  
8 difficult for us to neatly organize the order of  
9 presentation. We have asked the parties to help us in  
10 that in some respects. As the statements are of an  
11 introductory nature, the order may not be of as great  
12 significance as it will be when we come to the hearing.

13 We are aware that there is one party here  
14 who wishes to be able to make his statement this  
15 morning, and we will arrange to do that; that is Mr.  
16 Wright.

17 I understand that the parties  
18 representing the native people have been asked to  
19 follow Ontario Hydro and have told us that that has  
20 been agreed with the other parties. After that, we  
21 will go down through the list of parties that have  
22 asked to make statements.

23 Ms. Marlatt, I believe you were the  
24 one -- can you give us the order in which the people of  
25 your group who will be making statements?

1 MS. MARLATT: Constance Marlatt for the  
2 North Shore Tribal Council, United Chiefs and Councils  
3 of the Manitoulin and Union of Ontario Indians.

4 In fact we were only involved in the  
5 preliminary parts of the opening statements. We had  
6 asked that after Ontario Hydro and the groups  
7 supporting Ontario Hydro do their opening statements,  
8 that the aboriginal groups...

9 THE CHAIRMAN: We can't identify the  
10 groups that are supporting Ontario Hydro. Most people  
11 support them in some things, and some in other things.  
12 It is very hard to identify them.

13 MS. MARLATT: In particular we have  
14 discussed with MEA's counsel and AMPCO's counsel that  
15 they would go after Ontario Hydro, and the aboriginal  
16 groups would go subsequent to that.

17 THE CHAIRMAN: Fine, that is fine. And  
18 then you will be able to give me at that time the order  
19 that they will be going?

20 MS. MARLATT: Yes.

21 THE CHAIRMAN: Perhaps you could do it  
22 now, if you happen to have it.

23 MS. MARLATT: The order in which the  
24 aboriginal groups have agreed to go is for NAN and  
25 Treaty #3?

1 ---Off the record discussion.

2 MS. MARLATT: Moose River/James Bay  
3 Coalition.

4 THE CHAIRMAN: Is that one or two groups?

5 MS. MARLATT: One group.

6 THE CHAIRMAN: Yes.

7 MS. MARLATT: The Union of Ontario  
8 Indians? No?

9 ---Off the record discussion.

10 MS. MARLATT: Sorry, we have been  
11 altering this this morning. Then NAN and Treaty #3.

12 THE CHAIRMAN: NAN/Treaty #3.

13 MS. MARLATT: Then the Union of Ontario  
14 Indians.

15 THE CHAIRMAN: Perhaps you could just  
16 tell me who -- Mr. Olthuis, will you be the first  
17 group?

18 MR. OLTHUIS: The first group and the  
19 Grand Chiefs, the second group with a short  
20 introduction from myself.

21 THE CHAIRMAN: And then the NAN group,  
22 who will that be?

23 MR. OLTHUIS: Yes, that is the second  
24 group.

25 THE CHAIRMAN: The third group then?

1 MS. MARLATT: The Union of Ontario  
2 Indians.

3 THE CHAIRMAN: Who will be speaking for  
4 them?

5 MS. MARLATT: Bob Watts.

6 THE CHAIRMAN: Yes.

7 MS. MARLATT: The UCCM, Chief Assinowai,  
8 who has not yet arrived this morning, but we're  
9 expecting him.

10 THE CHAIRMAN: Assinowai?

11 MS. MARLATT: Assinowai; and for the  
12 North Shore Tribal Council, Keith Lewis.

13 THE CHAIRMAN: Keith Lewis.

14 MS. MARLATT: And then the order of OMAA  
15 and NAPA.

16 THE CHAIRMAN: OMAA first, and who is  
17 speaking?

18 MS. MARLATT: And for OMAA, Chris Reid.

19 THE CHAIRMAN: I am sorry, who is that?

20 MS. MARLATT: Chris Reid. And for NAPA,  
21 Francis Thatcher.

22 THE CHAIRMAN: That is the group?

23 MS. MARLATT: That is the extent.

24 THE CHAIRMAN: Thank you.

25 MS. MARLATT: Thank you.

1 THE CHAIRMAN: Mr. Howard?

2 MR. HOWARD: Thank you Mr. Chairman.

3 There is one preliminary before a brief opening  
4 statement.

5 I have an affidavit of notice of the  
6 commencement of the hearing and the commencement of  
7 evidence, which was required, I'd like to file.

8 THE CHAIRMAN: Should that be the next  
9 exhibit?

10 MR. HOWARD: I would think so.

11 THE CHAIRMAN: No. 88.

12 MR. D. POCH: Mr. Chairman, I think  
13 numbers 88 through 93 have been assigned to exhibits  
14 that have been prefiled by the Coalition.

15 THE CHAIRMAN: Yes, I believe that is  
16 right, Mr. Poch. 88 to 93 is it?

17 MR. HOWARD: I have 88 to 92 for the  
18 Coalition, and 93 to 95 for Northwatch on my list. So  
19 I think we are at 96.

20 THE CHAIRMAN: So 96 is the next exhibit.

21 MR. HOWARD: At least this hearing is  
22 good for the media. It is some 180 Ontario newspapers.

23 THE CHAIRMAN: Thank you. We will mark  
24 that collectively as Exhibit 96.

25



1                   A list of intervenors as you have  
2                   indicated who have been given status suggest that this  
3                   hearing will go on for a very long time, perhaps  
4                   extraordinarily long, and two years doesn't seem to be  
5                   out of the question.

6                   But what will happen, and what clearly  
7                   will happen, is there will be a comprehensive debate  
8                   about the electricity future, and it will affect  
9                   virtually everybody who lives in Ontario, and certainly  
10                  there will be dozens of viewpoints represented before  
11                  this Board.

12                  It's interesting to know, I think, that  
13                  the planning process began long before 1989. The  
14                  undertakings that are put forward at this hearing have  
15                  a lengthy history of development. It is apparent from  
16                  Exhibit 3, which is the plan itself, that this process  
17                  began in 1984, some five years before.

18                  At that time, Hydro saw the need for new  
19                  demand and supply options arising before the end of the  
20                  century and it stepped up studies which it then had  
21                  underway called Demand/Supply Options Studies. The  
22                  idea was that an early start had to begin to be sure  
23                  that the needs for the balance of the century and after  
24                  would be met.

25                  That formal Demand/Supply Study was an

1 examination of a full range of options both from a  
2 technical, an economic and an environmental  
3 perspective. From the very start, the study considered  
4 options to reduce growth and demand on an equal footing  
5 with new supply.

6 Conservation, load shifting, helping  
7 customers reduce electricity demands were all  
8 considered, along with traditional supply resources  
9 such as water power, coal, natural gas, and nuclear  
10 generation. The study evaluated other non-traditional  
11 options such as wind and solar and burning waste.

12 I think it is important to emphasize that  
13 Hydro is a public corporation. It has a statutory  
14 obligation to serve the electricity needs and the  
15 expectations of the people of this province. And in  
16 the process leading up to the Demand/Supply Plan, Hydro  
17 undertook to find out what the people of the province  
18 wanted and what they valued in electricity planning.

19 There were meetings with provincial  
20 organizations, community leaders, interest groups, the  
21 Ontario utilities served by Hydro, as well as large  
22 industrial customers. Those began in late 1985,  
23 carried on into 1986 and the draft Demand/Supply Option  
24 Study was reviewed in detail with those groups. That  
25 original study is Exhibit 57 in these proceedings.

1                   After that, the draft was considered by  
2           the Provincial Select Committee on Energy, and Exhibits  
3           58 and 59 are in the Board's records for those reviews.

4                   There was further input and consultation  
5           and review and this led to the next phase of the  
6           evolution of the proposed plan, namely, the development  
7           of a formal planning strategy.

8                   I think a few words about that planning  
9           strategy are also appropriate at this time. A draft  
10          strategy was issued in 1987. It sets out the  
11          principles, the priorities, and the guidelines which  
12          Hydro intended to use in planning for the future. And  
13          in that strategy there were 68 strategic  
14          comments/statements, which were designed to serve as a  
15          framework for making sound planning choices that  
16          reflected not only the economics of the situation but  
17          the public views and expectations.

18                   You will find in the record Exhibits 50,  
19          51, 52, 66, and 67, which are reviews of that draft  
20          strategy which occurred through 1988. It was examined  
21          on a technical basis by the Electricity Planning  
22          Technical Advisory Panel who reported in July of 1988.  
23          That's Exhibit 68.

24                   It was reviewed by the provincial  
25          government ministries, and they issued a report in July

1 of 1988 which is Exhibit 69. It was again reviewed by  
2 the Select Committee on Energy who reported in January  
3 of 1989. That is Exhibit 71.

4 After that process, the strategy was  
5 revised to reflect the feedback from all of those  
6 reviews, and Hydro's board of directors approved the  
7 final Demand/Supply Plan strategy in March of 1989.  
8 That's Exhibit 70.

9 I would like to emphasize at the  
10 beginning that that strategy, which took all that time  
11 to develop, has been followed and applied in developing  
12 the plan which is before this Board.

13 It's apparent from the documents  
14 themselves that public consultation on these options  
15 and the formal reviews have emphasized how much the  
16 people of this province value protection of the  
17 environment. Also important is the reliability of  
18 electrical service and reasonable cost, and those are  
19 the three features which pervade the reviews and are  
20 the primary features which are of interest to the  
21 people of this province.

22 If I can come then to the Demand/Supply  
23 Plan itself. As you know, it estimates that in the  
24 next 25 years, Ontario will need between fifty per cent  
25 and a hundred per cent more electrical power than is

1       used today. During that time period, the existing  
2       facilities are expected to decline by some 25 per cent.  
3       And, therefore, to meet the requirements of these needs  
4       and the consequences of an aging system, the plan  
5       emphasizes flexibility and balance; and while it is  
6       often characterized in simple terms, it features a  
7       mixture of resources across all of the potential.

8                 That mix includes the rehabilitation of  
9       the existing system, conservation or demand management,  
10      increased water power, non-utility generation, that is,  
11      provision of electricity by independent generators,  
12      purchases from other utilities, and new major supply  
13      facilities such as the CANDU nuclear generation for  
14      base load requirements, and gas-fired generating units  
15      for peak demands.

16                As you know, what Hydro seeks at these  
17      hearings is for this Board to accept the proposed plan  
18      as the basis for the development of the future  
19      electricity system in this province. Specifically, we  
20      seek approval for the need and the rationale for the  
21      nuclear fossil water power and transmission  
22      developments that are in the proposal.

23                I emphasized, as you know, at the  
24      beginning, that the location of all specific generation  
25      and transmission facilities will be the subject of

1 site-specific environmental assessments. A reasonable  
2 question is what criteria were used by Hydro in  
3 devising the proposed plan before you. They are set  
4 out in the planning strategy of March 1989 which is  
5 Exhibit 74.

6 The criteria include reliability, cost,  
7 environmental and social impacts, safety, technical  
8 soundness, resource preference and customer  
9 satisfaction, and, perhaps last and by no means least,  
10 flexibility. These priorities are set out in the  
11 strategy, and that strategy, as I have said, was  
12 developed after extensive consultation.

13 In the Plan, priority is given to  
14 maintaining and improving the existing system, to  
15 economic demand management, to economic independent  
16 generation, and to developing the remaining economic  
17 hydro-electric generation. These elements take  
18 priority over developing new major supply options,  
19 and these are the priorities which are reflected in the  
20 plan.

21 The planning period is a long one, some  
22 25 years, and what we seek is the approval ultimately  
23 for the plans to meet Ontario's energy needs for the  
24 next 25 years, but there must, as you are clearly  
25 aware, be a shorter term action plan.

1                   In the next several years, actions must  
2       be taken by Hydro to enable it to meet a range of  
3       customers' needs. The short-term action plan consists  
4       of implementing demand management programs, purchasing  
5       independent generation, rehabilitating the existing  
6       stations, work on transmission to purchase electricity  
7       from Manitoba, and preparing to build or develop 11  
8       hydraulic stations, that is, to develop or redevelop.

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...

1                   There is also preparatory work in the  
2           plan for two four-unit nuclear stations and about 4,000  
3           megawatts of new gas-fired generation.

4                   We believe that Hydro's plan results in  
5           both demand management programs and hydro-electric  
6           development taking place as high priorities, and that  
7           is for a simple reason, hydraulic is a renewable  
8           resource and demand management measures usually involve  
9           lower levels of environmental impacts than supply  
10          options. But the emphasis on these options, while it's  
11          consistent with sustainable development, it should be  
12          emphasized from the beginning that there are no options  
13          for meeting electricity needs that are free of  
14          environmental effects.

15                  It's tempting to describe what faces us  
16          as Hobson's choice, but it's clear that if we are to --  
17          well, I guess we have to begin with, are we right that  
18          we are going to need more, and if we do need more,  
19          there is no way to do it and have no environmental  
20          effects.

21                  I guess the next question is: Why are we  
22          here seeking approval of a plan as a whole and then  
23          going on to site-specific environmental assessments?

24                  It's our position that without an  
25          overall plan, Hydro would have to establish both the

1       need and the rationale for each project at individual  
2       assessments. What the Demand/Supply Plan seeks to do  
3       is to put into perspective the need and rationale and  
4       the role of all options which are available and to  
5       propose a plan which will meet what we foresee.

6               There will clearly be several  
7       environmental assessments in the next ten years, some  
8       of them will be running in parallel to this assessment.

9               If the need for facilities and the choice  
10       of options had to be established at each one of these  
11       project environmental assessments, the process would be  
12       enormously duplicative and would make, in our  
13       submission, very inefficient use of time and efforts of  
14       the reviewing boards and the intervenors, and not to  
15       mention Ontario Hydro.

16               So these initial approvals, we believe,  
17       will establish need and rationale for various options  
18       but it will not prejudice whether a site is acceptable  
19       ultimately.

20               Finally, a word about what has changed in  
21       the last sixteen months. It would be somewhat silly to  
22       stand here and say we are in the same place as we were  
23       sixteen months ago; of course, we are not.

24               The Board will recognize from the  
25       material already filed that it is our intention to

1       update matters to be spoken to and, clearly, when the  
2       plan went in in the fall of 1989, we were operating on  
3       load forecasting done at that time. We will be  
4       updating that evidence, we will be updating the  
5       evidence of other panels as they come before you, and  
6       the impact of these changes will be dealt with as we go  
7       along. And presumably some things are going to change,  
8       and if, indeed, we are here for two years, many things  
9       will change.

10               Perhaps the most obvious change at the  
11       moment is the moratorium directed by the government on  
12       the pre-engineering for the nuclear option.

13               The time to complete the preliminary  
14       engineering will now mean that even if the nuclear  
15       option is ultimately vindicated and the moratorium is  
16       lifted, Hydro could not build a new nuclear station of  
17       the type proposed in the plan before about the year  
18       2007 at the earliest. Following the ultimate decision  
19       by the government to approve a major supply plan, Hydro  
20       will need at least two years to carry out site-specific  
21       environmental assessments which are now on hold. The  
22       design work will have to be restarted, and even being  
23       optimistic, that would suggest that the late 1990s will  
24       be upon us before a shovel can be put in the ground.

25               What this delay means is more pressure on

1 other options which must be brought into play during  
2 the 90s.

3 And in the period Hydro will be trying to  
4 meet the new demand which it foresees in four ways.  
5 First, the development of some of the remaining  
6 potential water-power sites; second, by encouraging  
7 more private power producers to generate and sell  
8 additional electricity; third, to help customers use  
9 less electricity through improved efficiency and  
10 conservation, and fourth and finally, by buying  
11 electricity from Manitoba.

12 It's clear that some believe, and I am  
13 sure you will hear today, that the combined effect of  
14 these four programs should eliminate entirely the need  
15 for new generation and indeed new generation into the  
16 foreseeable future, or at the very least, they may  
17 defer that need well beyond the dates covered by the  
18 plan to 2014.

19 I want to emphasize that Hydro is  
20 committed to all of these programs, to all four. Hydro  
21 wants them to work but Hydro also has the  
22 responsibility for setting targets that can be met.  
23 Hydro believes that a hard look at the realities which  
24 is about to take place will show that even allowing for  
25 the uncertainties, major new generating stations will

1 be required in the next 25 years.

2 Notwithstanding what has happened since  
3 the plan was filed, Hydro believes after more than five  
4 years of study that the plan before you is the right  
5 plan for this province, it has, however, flexibility,  
6 and as the hearings develop and the various parties  
7 bring before this Board what they view to be  
8 shortcomings, we will attempt to deal with them, but  
9 after five years of study we have not changed the  
10 proposed plan which we put before this Board.

11 I am obliged.

12 THE CHAIRMAN: Thank you, Mr. Howard.

13 Mr. Mark, are you next for the Municipal  
14 Electric Association?

15 MR. MARK: I am told I am, Mr. Chairman.  
16 I am not quite sure by whom.

17 Thank you, Mr. Chairman.

18 OPENING STATEMENT BY MR. MARK:

19 Members of the panel, my name is Alan  
20 Mark. As you know by now, I will be representing the  
21 Municipal Electric Association as we proceed through  
22 this hearing. Joining me in representing the MEA will  
23 be my colleague Mr. Reginald Watson.

24 I hope during the course of this hearing  
25 not only to represent the interests of my client but

1        hopefully to be of some assistance to the panel members  
2        in understanding the issues and evidence as we proceed.  
3        And indeed, Mr. Chairman, as I have said before, one of  
4        the objectives of the MEA in this intervention is to  
5        ensure that this panel has the assistance it requires  
6        in assessing the evidence and the issues.

7                        It's, as we know, going to be a long  
8        hearing, Mr. Chairman, and as Mr. Howard has already  
9        indicated, many of the circumstances which Hydro is  
10       faced with today will change by the time we get down to  
11       the end of the road of evidence, and in view of that,  
12       and in view of the limited time afforded today, and  
13       recalling your remarks at the outset, I don't intend to  
14       deal in a detailed fashion with the positions the MEA  
15       anticipates it will take with respect to many of the  
16       issues. Rather, I want to take this opportunity to  
17       present to the Board the mandate and perspective of the  
18       MEA with the hope that that will enable you to better  
19       understand the cross-examinations and the evidence of  
20       the MEA as it is presented during the coming months and  
21       years, I suspect.

22                        Mr. Chairman, the Municipal Electric  
23       Association is representative of the 316 municipal  
24       electric utilities in Ontario. Those municipal  
25       utilities purchase approximately 75 per cent of the

1 power produced by Ontario Hydro, and they serve over  
2 2-million customers. They are, in substance, the  
3 retailers to the vast majority of the consumers of  
4 electric power in this province and the role of those  
5 utilities is to serve those customers.

6 The utilities are governed by  
7 publicly-elected or appointed officials, and the MEA,  
8 as an association, supports public power as the  
9 appropriate means to provide adequate, secure, low-cost  
10 power to this province.

11 The mandate of the MEA, Mr. Chairman, and  
12 not just in relation to this hearing, but the mandate  
13 of the MEA established before this hearing was even  
14 conceived of is to ensure and provide for its customers  
15 an adequate and secure supply of electricity at the  
16 lowest feasible cost, having due regard to health,  
17 safety and the environment.

18 Mr. Chairman, as I indicated, that is a  
19 mandate which has always existed for the MEA  
20 irrespective of the existence of this hearing, and it  
21 is obviously apt nonetheless to the task before us.

22 The object of the intervention of the MEA  
23 is to indeed assess whether Hydro's plan as presented  
24 fulfils the mandate which the MEA has set for itself in  
25 the service of its customers.

Secondly, is the supply a reliable supply? The MEA intends to examine the sources of supply proposed in the plan, the delivery systems, the reserve facilities projected to examine and ensure that the service under any reasonably foreseeable scenario will be a reliable service.

• • •

1                   Thirdly, the MEA intends to address  
2           whether the plan will indeed provide that electric  
3           power at the least cost. A point I have made before in  
4           my appearances before you, Mr. Chairman, is that we  
5           must, at the end, come back to an assessment of what  
6           this plan is. It is at its essence a least-cost  
7           resource acquisition plan. The MEA will focus much of  
8           its attention on whether, in fact, Hydro has properly  
9           conceived and executed that planning exercise and the  
10          associated assumptions and models.

11                   Fourthly, Mr. Chairman, the MEA will ask  
12          whether Ontario Hydro's plan has fairly and properly  
13          assessed and made provision for the assessment and  
14          comparison of the environmental impacts of the various  
15          options.

16                   Before I move, Mr. Chairman, to some  
17          comments about some of the more important issues I  
18          think you will hear about, I want to address one  
19          matter, and indeed I think it has raised its head  
20          already this morning.

21                   I think you have heard in the past few  
22          months that it is said by others that the MEA is in  
23          some fashion a supporter of the Hydro plan, or in some  
24          spectrum of alignments or allegiances somehow stands  
25          next to Hydro or should precede other intervenors in

1 presentations or cross-examinations.

2 Mr. Chairman, I think that categorization  
3 is one which has been advanced, I think, for some  
4 rather self-serving interest by other intervenors to  
5 create the appearance that the MEA is not a voice which  
6 is to be listened to independently of Ontario Hydro.

7 The only common cause the MEA has with  
8 Hydro at the outset of this hearing, I think, Mr.  
9 Chairman, is that the MEA sees as the objective of this  
10 plan to ensure that the electricity needs of Ontario,  
11 whatever those needs might in fact turn out to be, are  
12 met in the least-cost, most environmentally-benign  
13 fashion.

14 From that point of departure, Mr.  
15 Chairman, the MEA is not a necessary supporter or  
16 opponent of any aspect of the plan, but as I indicated  
17 before, the MEA will critically assess the plan on its  
18 terms as a planning exercise. We will support some  
19 aspects of it, I suspect. We will vigorously oppose  
20 other aspects of it.

21 But I can assure the panel that when it  
22 comes to undertaking that assessment, the MEA will  
23 approach it with the objectivity it has in the past.  
24 And I remind this Board that in other forums where  
25 Ontario Hydro's plans are reviewed, and most

1 particularly before the Ontario Energy Board, the MEA  
2 has consistently been a critic of many aspects of  
3 Hydro's plan, and indeed in a role reversal from what  
4 you would expect in the situation of a distributor and  
5 supplier, the MEA frequently argues that Ontario Hydro  
6 does not price its product high enough. I think that  
7 is ample example of the relationship between the MEA  
8 and Ontario Hydro.

9 Mr. Chairman, in the few moments I have  
10 remaining, I want to deal very briefly with some of the  
11 principal issues that you will be facing.

12 On the question of the demand for  
13 electricity and load forecast, the MEA believes that it  
14 is fundamental to bear in mind that the objective of  
15 the plan is, as I stated before, to appropriately  
16 provide for future electricity demand. Your task is to  
17 find the least environmentally-harmful way and  
18 least-cost way of doing that.

19 The MEA opposes any proposal which would  
20 seek to directly limit or ration electricity supply.

21 THE CHAIRMAN: I am sorry?

22 MR. MARK: The MEA opposes any plan which  
23 would seek to directly limit or ration electricity  
24 supply.

25 The MEA does not believe that the central

1 planning of the supply of this commodity is an  
2 effective or an appropriate tool for any objective.

3 On the subject of the forecast itself,  
4 Mr. Chairman, the MEA is concerned that Hydro may not  
5 properly have estimated the relationship between  
6 projected economic growth and growth in demand, and the  
7 MEA is concerned whether Hydro has properly assessed  
8 the very great uncertainties associated with a forecast  
9 of demand to 25 years in the future.

10 On the question of avoided costs, the MEA  
11 supports, of course, the imposition by legislation of  
12 emission and other constraints on activities which  
13 contribute to degradation of the environment. However,  
14 the MEA opposes any special treatment or penalty on the  
15 operation of Ontario Hydro.

16 Ontario Hydro should be subject to the  
17 same costing and pricing and economic constraints of  
18 all of those whose conduct we wish to control in the  
19 environmental forum in Ontario. And the avoided costs  
20 that Hydro must assess in determining the price it pays  
21 for power should not be assessed on an economic basis  
22 which is different from those on which other  
23 commodities are produced in this province.

24 On the subject of demand-side management,  
25 the MEA strongly supports those measures and encourages

1 Hydro to achieve the maximum possible savings. The  
2 concerns the MEA has identified to date are as follows.

3 Firstly, the MEA is concerned that  
4 Ontario Hydro has not appropriately integrated the  
5 retail and distribution segments of the industry into  
6 its plans. And that without doing so, maximum success  
7 cannot be achieved.

8 The MEA is concerned that there be a  
9 proper identification of whether the savings sought in  
10 each instance are economic, and the MEA has an overall  
11 concern, not necessarily with the targets set by Hydro,  
12 but with the realism of the timing of the achievement  
13 of those targets, because the Hydro plan is, without  
14 question, the most ambitious ever undertaken, and the  
15 realism of the timing of the achievement of the  
16 objectives must be subject to some scrutiny.

17 On the question of non-utility  
18 generation, that source of supply does indeed provide  
19 an important alternative and option for Hydro, giving  
20 it flexibility and off-loading capital risk. The  
21 concerns the MEA has is whether non-utility generation  
22 hasn't unwarrantedly come to be seen as some kind of  
23 panacea to the problems of both environment and large  
24 project construction.

25 The MEA is greatly concerned that there

1 is an enormous quantity of non-utility generation being  
2 proposed, yet there is no environmental assessment.  
3 There is no assessment of the cumulative environmental  
4 impact of those many projects before you. It is, in  
5 our view, simplistic to assume that these projects,  
6 which will largely be natural gas burning, will, by  
7 definition, be environmentally benign.

8 The MEA is also concerned with whether  
9 the proliferation of many smaller generators with  
10 variable operating dispatchability and reliability  
11 characteristics has tremendous implications for the  
12 proper operation of a supply system.

13 Finally, Mr. Chairman, on the question of  
14 the major supply options, the MEA believes that both  
15 fossil-fired and nuclear have to date demonstrated that  
16 they are valuable and economic sources of supply. They  
17 both have distinct operational and other advantages.

18 The MEA believes that the nuclear option  
19 should be carefully considered. The MEA believes that  
20 the nuclear option, considering the existing investment  
21 and that source of supply, the dividends that Ontario  
22 has obtained from that source of supply, which has  
23 generally been safe, clean and affordable electric  
24 power from an indigenous source, suggests that nuclear  
25 must be a part of Ontario Hydro's plan for the future,

1 in the absence of some compelling economic or other  
2 reason why it doesn't qualify.

3 On the question of system planning, Mr.  
4 Chairman, ultimately the MEA will do a global  
5 assessment of whether Hydro has properly optimized the  
6 plans, has adopted a proper iterative planning model,  
7 and has set appropriate parameters for reliability and  
8 reserves. And if necessary, at the end of the day, the  
9 MEA will present its own alternatives to the least-cost  
10 supply planning exercise undertaken by Hydro, if it is  
11 felt that there are deficiencies in the plan which  
12 warrant that task being undertaken.

13 I hope these remarks have been of  
14 assistance, Mr. Chairman. I thank you for your  
15 attention.

16 THE CHAIRMAN: Thank you, Mr. Mark.

17 Mr. Rodger?

18 OPENING STATEMENT BY MR. RODGER:

19 My name is Mark Rodger, R-o-d-g-e-r. I  
20 am counsel to the Association of Major Power Consumers  
21 of Ontario, a group known as AMPCO.

22 AMPCO is an association of 62 member  
23 companies in Ontario, whose membership reflects  
24 virtually every aspect of the industrial sector in this  
25 province.

1                   AMPCO members purchase approximately 21  
2           per cent of all the electricity that Hydro produces, at  
3           a cost of roughly \$600-million per year. Directly and  
4           indirectly AMPCO members employ approximately 400,000  
5           workers in Ontario.

6                   When wading through the sea of documents  
7           and reports over the course of the past year, in  
8           preparation for this hearing, I always found it helpful  
9           to remember the motto of the Demand/Supply Plan, which  
10          is, "providing the balance of power."

11                  AMPCO submits that the concept of a  
12          balance is particularly appropriate for this  
13          proceeding. The planning exercise which we are all  
14          involved in here is aimed at balancing future needs for  
15          electricity, with the resources to meet them. There is  
16          also the goal of balancing the benefits to customers of  
17          having a reliable electricity supply, while ensuring  
18          that the environment is protected.

19                  When I refer to environment, I mean that  
20          in the broadest sense of the word, both the natural  
21          habitats and the social environment. Of course, the  
22          social and economic costs associated with these goals  
23          must also be addressed and balanced.

24                  By the end of the D/SP planning period,  
25          almost one-quarter of all of Hydro's current major

1 supply stations will have to be retired. For AMPCO,  
2 the central question in this proceeding is not if we  
3 will require new base-load generation, but when will  
4 that base-load generation be required.

5 AMPCO is very concerned that Hydro's plan  
6 does not adequately or appropriately consider all the  
7 necessary factors which should be included in the  
8 various forecasting models and demand management  
9 measures, with the result that demand has been  
10 underestimated.

11 The phrase "balance of power" must also  
12 incorporate other factors for the purpose of this  
13 environmental assessment proceeding to encompass other  
14 realities that have significant influence on how need  
15 is assessed, and on what plans are in the public  
16 interest and are appropriate to mediate that need.

17 These realities include recognizing that  
18 to a significant extent Ontario's prosperity stems from  
19 its wealth of natural resources, which facilitated the  
20 development of electrical intensive industries, and  
21 recognizing that hundreds of thousands of jobs in  
22 Ontario are dependent on these industries, which in  
23 turn are dependent on a reliable electricity supply.

24 Generally, the evidence AMPCO intends to  
25 present to this Board spans four areas: Economics and

1 load forecast, power costs and costing concepts,  
2 electricity used by industry, and externalized social  
3 and economic impacts.

4 AMPCO witnesses will include economists,  
5 engineers and load forecasters, with Canadian, American  
6 and European expertise, various representatives from  
7 both industry and labour, and at least one regional  
8 community organization.

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1                   A significant part of the providing a  
2                   balance of power theme includes the recognition that  
3                   the issue of electricity demand and supply embodies a  
4                   myriad of interests.

5                   AMPCO has contacted a variety of  
6                   organizations throughout the province in order to build  
7                   bridges of consensus, where possible, regarding common  
8                   themes, in order that we might present consolidated  
9                   positions to this Board regarding the DSP. By these  
10                  efforts, AMPCO also hopes to expedite the proceedings  
11                  by avoiding repetition in the evidence.

12                  While not all the groups we have  
13                  contacted share, nor could they be expected to share,  
14                  identical concerns on this complex subject matter,  
15                  there is enough common ground in many areas where we  
16                  can proceed jointly.

17                  Accordingly, I am pleased to advise the  
18                  Board that AMPCO intends to present certain witness  
19                  panels at this hearing in association with the  
20                  following groups: The North Channel Advocates, the  
21                  United Steel Workers of America, the Canadian Nuclear  
22                  Association, the Provincial Building and Construction  
23                  Trades Council of Ontario, the International  
24                  Brotherhood of Boilermakers, the Ontario Allied  
25                  Construction Trades Council, the Society of AECL

1 Professional Employees, and the Society of Professional  
2 Engineers Association.

3 Of particular interest and concern for  
4 AMPCO and its member companies is to review the  
5 significance of electricity for Ontario industry and  
6 how this factor has been treated by the proponent in  
7 the DSP.

8 AMPCO intends to analyse, both in its  
9 cross-examination and in its evidence in-chief, the  
10 features of Ontario industry which are unique to this  
11 province and how these factors impact within the  
12 marketplace.

13 And when I refer to marketplace, I mean  
14 the global marketplace, which means international  
15 competition, for, in AMPCO's view, the results of this  
16 hearing will not be limited to ramifications confined  
17 only to Ontario, but the ultimate effect of the Board's  
18 decision will be nothing less than the future ability  
19 of Ontario industry to compete nationally and  
20 internationally into the next century.

21 This premise necessitates reviewing how  
22 Ontario industry compares with like industries,  
23 nationally and internationally, and the reasons for  
24 similarities or differences in areas such as mining,  
25 processing, and manufacturing, and analysing why a

1       reliable and reasonably-priced electricity supply is  
2       crucial for a sustainable future for industry, its  
3       employees, and the respective families and communities.

4               As part of the equilibrium to be reached  
5       at the end of these proceedings, AMPCO will show that  
6       power policy is a key ingredient of industry's ability  
7       to compete and that the issue of electricity demand and  
8       supply is inextricably bound and must be incorporated  
9       in a new industrial policy for Ontario.

10              AMPCO believes that the DSP can be  
11       instrumental in initiating and facilitating a new  
12       industrial policy to ensure that a secure foundation is  
13       laid for industry and for all those that benefit from  
14       it so that a viable economic future can be built in  
15       Ontario. So it can be built, maintained, and expanded.

16              This new industrial policy must support  
17       and encourage industry to increase its competitive  
18       advantage through a reliable electricity supply and  
19       through the use of leading technologies which improve  
20       the efficiency of industrial processes.

21              To stay competitive on an international  
22       level means that Ontario industry must be efficient and  
23       that includes energy efficiency. To stay competitive  
24       also means that the cost of electricity must remain  
25       stable. In an era of increasingly tight global

1 competition, Ontario industry cannot afford to merely  
2 pass on high electricity cost to its customers and  
3 remain viable.

4 AMPCO intends to review all these  
5 concerns at this proceeding.

6 In any planning process, AMPCO  
7 acknowledges that there is a certain amount of  
8 uncertainty that exists, and with uncertainty,  
9 inevitably, comes error. It's AMPCO's position that a  
10 reliable electricity supply is so important to Ontario  
11 that if any errors are going to be made, it must be  
12 clear that they are to be made on the side of caution.  
13 AMPCO believes that there exists many  
14 overly-optimistic, yet untested, demand management  
15 measures in the DSP.

16 While we would like to see such  
17 conservation energy efficiency and other  
18 demand-reducing targets met, we believe that, for  
19 planning purposes, one must recognize that there is an  
20 inherent uncertainty in these targets.

21 While we hope for the best end results  
22 when we undertake these ventures, I suggest that the  
23 reasonable and prudent course in a planning situation  
24 is to plan for something less than the optimum  
25 scenario.

1                   One should not follow the unwise practice  
2     of forecasting and planning entirely for an ideal  
3     energy future. If one were to follow that course and  
4     find out that the ideal targets cannot be met, the  
5     inevitable results are costly and unpleasant surprises.  
6     When we are talking about Ontario's electricity supply,  
7     those costly surprises are mammoth.

8                   Planning in the public interest is all  
9     about minimizing risk and maximizing flexibility, and  
10    this is a theme that AMPCO will be returning to, again  
11    and again.

12                  Finally, a major challenge for this Board  
13    is to achieve the balance of allowing all parties to  
14    make their submissions and yet to ensure that the  
15    proceedings are completed within a reasonable time.

16                  For the environmental assessment process  
17    to be truly meaningful, and for the public interest to  
18    be served, demands that a decision be rendered in a  
19    timely fashion. Based on the proceedings to date,  
20    AMPCO is confident that these goals will, in fact, be  
21    achieved by this Board.

22                  Those are all my comments, Mr. Chairman.

23                  THE CHAIRMAN: Thank you, Mr. Rodger.

24                  Mr. Olthuis.

25                  MR. OLTHUIS: Thank you, Mr. Chairman.

1        OPENING STATEMENT BY MR. OLTHUIS:

2                        My name is John Olthuis, O-l-t-h-u-i-s,  
3        and with my colleagues, Joe Castrilli and Nancy Kleer,  
4        we represent the Moose River/James Bay Coalition, which  
5        is a coalition of seven separate associations  
6        comprising eight thousand people in the Moose River  
7        Basin.

8                        It's goose-hunting season in the Moose  
9        River Basin, and for that reason, the leaders of the  
10       Coalition and many of the eight thousand people are not  
11       here today. They are on the land. That, I believe, is  
12       a very appropriate reminder to all of us as we begin  
13       these hearings of the potential impact of the DSP, and  
14       in the case of the Coalition particularly, the  
15       hydraulic plan for the Moose River Basin, will have on  
16       the First Nations' people.

17                       As we begin these hearings, the people of  
18       the Moose River Basin are asking these questions: What  
19       will the hydraulic plan mean for our lives, for our  
20       culture, both now and in the future? Will there be  
21       more mercury pollution in the Moose River and other  
22       waterways? What about the waterfowl? What about the  
23       goose hunt? What will the impacts be on sediment, ice  
24       dynamics, furbearers, plants, and whales?

25                       What will happen to our ability to

1 continue hunting, fishing, trapping and gathering?

2 What will happen to sites of archaeological and  
3 spiritual significance, to both aboriginal and  
4 non-aboriginal people?

5 Will tourism remain viable? Will we be  
6 affected by a boom/bust cycle? Will local services be  
7 swamped by outsiders? Will there be any benefits for  
8 us? Will the panel look at individual as well as  
9 collective impacts? What about the community hearings  
10 that we requested; will we get them? Will the evidence  
11 of our elders be respected?

12 The Environmental Assessment Act provides  
13 a very good context for a consideration of these  
14 questions. It's broad enough for a full examination of  
15 all of the concerns of the Coalition, because in  
16 addition to the normal physical components of the  
17 environment, it talks about social, economic, and  
18 cultural conditions and the interrelationship between  
19 them.

20 The case that the Coalition will be  
21 putting before this Board will focus on the adequacy of  
22 the hydraulic plan for the Moose River Basin when  
23 measured against the spirit and the letter of Section  
24 5(3), that crucial section of the Act.

25 That section requires that Hydro do five

1 things: one, that it describes the environment that  
2 will be affected by the hydraulic plan; two, that it  
3 describes the effects on that environment; three,  
4 describes actions necessary to prevent or mitigate  
5 effects; four, to pose alternatives to the undertaking;  
6 and five, it describes the advantages and disadvantages  
7 to the environment of the proposal and alternative  
8 proposals.

9 Now, that scheme of Section 5(3) is like  
10 a house of cards. The foundation card is the  
11 description of the environment that will be affected.  
12 If you get that wrong, you can't possibly describe what  
13 the effects will be or whether mitigation is possible.

14 Hydro has taken a generic approach to  
15 describing that environment. Even though it already  
16 knows the projects it will build in the Basin if  
17 approval is given, its position is that a more specific  
18 examination of the environment affected must await  
19 site-specific environmental assessments.

20 We will present evidence of the way of  
21 life on the land, the aboriginal way of life, to  
22 demonstrate that this position, that a generic  
23 assessment is satisfactory, is based upon a complete  
24 misunderstanding and miscasting of the aboriginal way  
25 of life. We will demonstrate that Hydro has failed to

1 describe the environment that will be affected by the  
2 hydraulic plan.

3 Briefly stated, the evidence will  
4 demonstrate how the aboriginal way of life is rooted  
5 in, springs from and is nourished by a unique  
6 relationship with the land and its resources, which the  
7 First Nations' people hunt, fish, trap, and gather. We  
8 will demonstrate that if Ontario Hydro understood the  
9 aboriginal way of life and described it properly, it  
10 would not only abandon its generic approach, it would  
11 abandon the hydraulic plan for the Moose River Basin.

12 Understanding the environment that will  
13 be affected also requires an understanding of the  
14 aboriginal and treaty rights of the aboriginal members  
15 of the Coalition. These rights are, for aboriginal  
16 people, the icing on the environmental cake. They  
17 provide a context in which the aboriginal users of  
18 their land enjoy the unique status of having  
19 constitutionally-entrenched environmental rights. We  
20 are not asking the panel to define the treaty and  
21 aboriginal rights of the members of the Coalition.  
22 However, it is essential that the Board understand what  
23 those constitutionally-protected rights are, even as it  
24 is relevant for you to know legal regulations with  
25 respect to atmospheric emissions.



1                   We will show that interference with these  
2   land-based activities negatively impacts the  
3   environment but also that environmental impact impacts  
4   the values, the family relationships, and the social,  
5   economic political, and cultural institutions of the  
6   First Nations' in the Basin.

7                   We will also show how these impacts  
8   contribute to drug and alcohol abuse and other social  
9   traumas.

10                  We will demonstrate to the panel that the  
11   generic approach to impacts is inherently inadequate  
12   because the impacts of the respective components of the  
13   plan can only be compared, and their relative merits  
14   properly assessed, on the basis of actual, specific,  
15   not theoretic, generic impacts.

16                  The impacts are on real people pursuing a  
17   real way of life on the land, not on general people  
18   pursuing some theoretic notion of life on the land.

19                  To complete the house of cards analogy,  
20   Hydro has so inadequately described the environment  
21   that will be affected, and the effects on that  
22   environment, that its attempts to meet the requirements  
23   of 5(3)(c)(iii) are futile. That's the section that  
24   says what about prevention.

25                  We will demonstrate that the only way to

1 prevent unacceptable environmental impacts is for the  
2 Board to rule that the hydraulic plan in the Moose  
3 Basin not proceed. We will show that mitigation  
4 through terms and conditions is impossible because of  
5 the nature and intensity of the impacts.

6 Our evidence will also show that Hydro  
7 has failed to describe the alternatives to its  
8 undertaking as required by Section 5(3)(c), and that it  
9 has failed to evaluate the advantages and disadvantages  
10 to the environment of alternative ways of carrying out  
11 the undertaking and alternatives to that undertaking.

12 Our evidence will demonstrate that an  
13 aggressive, but completely realistic approach to energy  
14 conservation, combined with the responsible increase in  
15 non-utility generation, will eliminate the need for the  
16 hydraulic plan, the Manitoba purchase, and further  
17 nuclear generation for at least 20 years, until the  
18 year 2010. And keeping in mind the fact that the  
19 hydraulic plan for the Moose Basin is for peak  
20 generation, we will show that additional alternatives  
21 can push the need date to the year 2015. These 25  
22 gained years could be devoted to intensified research  
23 and development to improve efficiency and to develop  
24 alternative technology to eliminate the need for mega  
25 projects and to give the aboriginal people a new lease

1       on life in their land.

2                       Our evidence will also describe  
3       alternative possibilities for development in the Moose  
4       River Basin, alternatives that respect, rather than  
5       ravage, the environment and aboriginal rights.

6                       The need for cumulative impact assessment  
7       will also be addressed. There is a critical need that  
8       the hydraulic plans, the entire hydraulic plan for the  
9       Moose Basin, including roads and other infrastructure,  
10      be looked at. There is a need that that development be  
11      looked at, combined with the impacts of mining, forestry  
12      and other activities in the Basin, because it's not  
13      just one Hydro dam, it's all the dams plus all the  
14      other activity that will give the Board some sense of  
15      the impact. And those impacts in the valley, in the  
16      Basin have to be combined and looked at with the  
17      impacts of the Nelson River project, the Conawapa dam  
18      which empties into the Hudson's Bay and the Great Whale  
19      project and existing hydraulic developments.

20                      Together, these projects could have a  
21      disasterous impact on the ecology of James Bay and  
22      Hudson's Bay and consequently devastating impacts on  
23      land- and water-based activities. To proceed now,  
24      without the cumulative impact assessments, would be  
25      foolhardy and completely unnecessary with responsible

1 demand management and efficiency.

2 The DSP impacts the environments, not  
3 just of Ontario, but of Manitoba and Quebec as well,  
4 and involve federal jurisdiction. We will be  
5 addressing that issue as well.

6 As these hearings begin, the people of  
7 the Moose River Coalition are reminded of the  
8 devastating impacts of previous developments.

9 When the existing dam and infrastructure  
10 were constructed as early as 1931 in the Basin, but  
11 mainly in the 1960s - we are talking about the  
12 Mattagami Complex and Abitibi complex - aboriginal  
13 people were simply chased from the land. They were  
14 uprooted. Some of their campsites were burned to  
15 ensure that they would not return. And this is a very  
16 bad memory for the people of the Basin. These past  
17 violations must be settled with the First Nations of  
18 Moose Factory and New Post before the Coalition can  
19 even consider talking to Hydro about future  
20 developments.

21 How can the people of the Coalition or  
22 people of the Basin take Hydro seriously when in the  
23 past Hydro has callously uprooted them and ignored  
24 their rights?

25 But as the hearings begin we are also

1       reminded of a more positive exercise that took place in  
2       the 1970s. We are referring, of course, to the  
3       MacKenzie Valley Pipeline Inquiry, better known as the  
4       Berger Inquiry. You recall that Mr. Justice Berger was  
5       asked to consider the social and environmental impacts  
6       of a proposal by a consortium of the world's largest  
7       oil companies to build a natural gas pipeline from  
8       Alaska through the heartland of aboriginal territory,  
9       and the Northwest Territories and through the provinces  
10      and into the United States. The consortium then  
11      claimed that there was an urgent need for natural gas;  
12      this was the "freeze in the dark" scare. However, to  
13      this day, that pipeline has not been built because of a  
14      mysterious glut of natural gas that has appeared on the  
15      North American and international market. That reality  
16      is a sobering historical fact. It reminds us of the  
17      very careful look that we must take at Hydro's demand  
18      projections.

19               Advocates describe that pipeline as "a  
20      string across a football field" in dismissing the  
21      concerns of aboriginal people and environmentalists.  
22      But Mr. Justice Berger, after a hearing much of the  
23      kind we hope that this Board will be undertaking,  
24      imposed a 10-year moratorium, and the government agreed  
25      that that project not go ahead until aboriginal claims

1       were settled.

2                       I believe that many of Mr. Justice  
3       Berger's, as he then was, comments are very important  
4       for us as we begin these hearings. He said:

5                       "The north is a frontier, but it is a  
6                       homeland too - the homeland of the Dene,  
7                       Inuit and Metis, as it is also the home  
8                       of the white people who live there."

9                       The choice we make will decide whether  
10      the north is to be primarily a frontier for industry or  
11      a homeland for its peoples. The choice you will make  
12      will have the same impact on the people of the Moose  
13      River Basin. Will it continue to be their homeland?  
14      Will it be considered that, or will it be sacrificed to  
15      needless hydraulic development?

16                      Mr. Justice Berger said:

17                      "EuroCanadian society has refused to  
18                      take native culture seriously."

19                      We hope that will be taken seriously in  
20      these hearings.

21                      He said:

22                      "That culture, values and traditions  
23                      of native people amount to a great deal  
24                      more than crafts and carvings. Their  
25                      respect for the wisdom of the elders,

1                   their concept of family responsibilities,  
2                   their willingness to share, their special  
3                   relationship to the land; all of these  
4                   values persist today, although native  
5                   people have been under almost unrelenting  
6                   pressure to abandon them."

7                   He said:

8                    "In the past, at each frontier, we  
9                   have encountered native people. The St.  
10                  Lawrence Valley was the homeland of the  
11                  Huron and the Iroquois - they were  
12                  overwhelmed; the west was the homeland of  
13                  the Cree - they were displaced; the  
14                  Pacific Coast was the homeland of the  
15                  Salish - they were dispossessed. Now, we  
16                  are told that the north is the homeland  
17                  of the Dene, the Inuit and the Metis.

18                 "Today in the north, we confront the  
19                 questions that have confronted Canadians  
20                 before, questions from which we must not  
21                 now turn away. The issues we face are  
22                 profound ones, going beyond the  
23                 ideological conflicts that have occupied  
24                 the world for so long, conflicts over who  
25                 should run the industrial machine, and

1                   who should reap the benefits. Now we are  
2                   being asked: How much energy does it  
3                   take to run the industrial machine?  
4                   Where must the energy come from? Where  
5                   is the machine going? And what happens  
6                   to the people that live in the path of  
7                   the machine? Here on our last frontier  
8                   we have a chance to protect the  
9                   environment and to deal justly with some  
10                  of the native people of Canada.

11                  "We have the opportunity to make a new  
12                  departure, to open a new chapter in the  
13                  history of the indigenous people of the  
14                  Americas. We must not reject the  
15                  opportunity that is now before us."

16                  Members of the Board, the Coalition  
17                  believes that the same opportunity is before us in  
18                  these hearings, and the Coalition trusts that this  
19                  opportunity will be fully embraced so that all of us  
20                  might be remembered as good stewards by the many  
21                  generations of aboriginal and non-aboriginal children  
22                  to follow.

23                  Thank you, Mr. Chairman.

24                  I have a supplementary statement, opening  
25                  statement, which I understand can, through the

1 direction of the Board, be included in the transcript.  
2 I will hand those to the clerk at this time.  
3  
4  
5

...

6 SUPPLEMENTARY OPENING STATEMENT

7 FOR DEMAND/SUPPLY HEARINGS

8 ON BEHALF OF THE MOOSE RIVER JAMES BAY COALITION

9 April 22, 1991

10 -----  
11  
12 I. INTRODUCTION: The Demand/Supply Plan and  
13 Environmental Assessment

14 The Moose River James Bay Coalition (MRJBC)  
15 adopts the written submissions of Nishnawbe-Aski  
16 Nation/Grand Council Treaty #3/Teme-Augama Anishnabai  
17 regarding the Demand Supply Plan (DSP) and the  
18 environmental assessment process contained in Part II  
19 therein. However, the hydraulic component of Ontario  
20 Hydro's DSP requires additional comment within the  
21 context of environmental assessment planning  
22 principles. It is the position of these parties that  
23 while the Ontario Hydro environmental assessment is an  
24 extremely general and vague document, the approvals  
25 requested for the hydraulic projects are very

1 site-specific, in contrast to the generic approvals  
2 sought, for example, with respect to nuclear and fossil  
3 generation. It is the further position of MRJBC that  
4 the environmental assessment prepared by Ontario Hydro  
5 does not meet the minimum requirements expected of a  
6 proponent subject to the Environmental Assessment Act.

7 II. THE HYDRAULIC PROJECTS: Specific Approvals,  
8 Generic Impacts and the Question of Need

9 The evidence will show that, rather than asking  
10 for a general approval for the requirement and  
11 rationale for a block of hydraulic generating capacity,  
12 Ontario Hydro appears to be asking for approvals of the  
13 requirement and rationale for specific projects,  
14 including those in the Moose River Basin. If that is  
15 Ontario Hydro's intention, and it is the submission of  
16 these parties that the evidence will show that it is,  
17 MRJBC takes the position that project-specific  
18 information is required about the environmental effects  
19 of the projects in order for the rationale for the  
20 projects to reflect a consideration of their  
21 environmental effects.

22 It is the position of MRJBC that the  
23 Ontario Hydro decision to put forward the hydraulic  
24 projects for approval to meet peaking needs, if it was  
25 a rational decision grounded in the requirements of

1 S.5(3) of the Act, must have been based upon an  
2 examination of the environmental effects of those  
3 developments as compared to other hydraulic capacity  
4 not being proposed at this time. However, as the  
5 Government Review concluded: "There has been no  
6 documentation of those effects provided, and thus it is  
7 not apparent to what extent consideration of those  
8 effects played a role in the development of the  
9 rationale for the projects. There is, in fact, no  
10 explicit statement of rationale for this part of the  
11 undertaking."

12 The evidence will show that what Ontario  
13 Hydro has provided is generic information and even this  
14 information recognizes that the potential effects of  
15 the hydraulic projects are significant to aboriginal  
16 peoples:

17 "Northern hydraulic projects could  
18 result in changes to the lifestyle of  
19 residents and to the character of  
20 communities. Traditional activities of  
21 Native people may be affected by  
22 alteration of the environment and by  
23 changes to employment patterns as a  
24 result of the projects. For example,  
25 flooding and concerns about mercury

1 levels in fish may result in changes to  
2 traditional hunting, fishing and dietary  
3 patterns. The character of communities  
4 servicing Moose River Basin projects is  
5 likely to change as a result of the  
6 long-term development" (Environmental  
7 Analysis, at 4-6)."

8 Ontario Hydro has stated that it will not  
9 be submitting an environmental assessment of the Moose  
10 River Basin Hydro-Electric Development Plan for review  
11 under this Act. Therefore, if the requirement and  
12 rationale for the hydraulic sites in the Basin, which  
13 are listed in the DSP, are approved, there may be no  
14 further opportunity for MRJBC to revisit these issues  
15 at the stage of any site-specific environmental  
16 assessments. At that stage, what will likely be at  
17 issue are merely matters of on-site mitigation.  
18 Because the DSP hearing may be the only opportunity for  
19 consideration of the need for hydraulic facilities  
20 proposed for the Moose River Basin, it is the position  
21 of the MRJBC that this Board will have to be  
22 particularly concerned with any deficiencies or  
23 omissions in the environmental evidence of the  
24 proponent at this stage.

25 It is our submission, and the evidence

1 will show, that there is much to be concerned about.  
2 The hydraulic component in terms of the specified sites  
3 and the amount of power to be generated is the same in  
4 all the alternative plans. There has, therefore, been  
5 no evaluation of need for these facilities in the  
6 context of their environmental impacts relative to each  
7 other or the impacts of other methods of producing or  
8 conserving energy. Without this type of rationale, the  
9 specific sites cannot be supported from an  
10 environmental assessment perspective under this Act,  
11 and there can be no basis for proceeding to  
12 environmental assessment or approvals for individual  
13 sites until this has been done.

14 III. THE EVIDENCE

15 In general, these parties submit that the  
16 Ontario Hydro DSP proposal will not protect the  
17 environment of the Moose River Basin and adjacent areas  
18 and will therefore be inconsistent with the purpose of  
19 the Environmental Assessment Act as expressed in  
20 section 2: "protection, conservation and wise  
21 management in Ontario of the environment." The  
22 evidence will demonstrate serious inadequacies in the  
23 Ontario Hydro proposal respecting: energy planning and  
24 economics; natural environmental, social and cultural  
25 effects; consultation with aboriginal peoples; and

1 related issues.

2 A. Energy Planning and Economics

3 In regard to Ontario Hydro's energy planning and  
4 economic analysis, MRJBC submits that the evidence will  
5 demonstrate that:

6 - Ontario Hydro's projection of future load  
7 requirements is overstated;

8 - an aggressive but realistic approach to energy  
9 conservation, combined with a responsible increase in  
10 non-utility generation, will eliminate, at a minimum,  
11 the need for the Moose River development;

12 - even if some need for additional new energy  
13 supplies can be shown, the Moose River Basin  
14 developments may not be cost-effective relative to  
15 other available options.

16 B. Environmental, Social and Cultural Effects

17 In regard to environmental, including social and  
18 cultural effects, MRJBC submits that the evidence will  
19 demonstrate that:

20 - Ontario Hydro has failed to adopt an ecosystem  
21 approach, including consideration of the dynamic nature  
22 of the Moose River Basin ecosystem;

23 - inadequate environmental baseline data have been  
24 collected including, for example, information on  
25 current mercury contamination; archaeological

1 resources; hydrological and sedimentation patterns;  
2 plant ecology; water fowl; marine and other mammals,  
3 etc.

4 - inadequate assessment of environmental impacts  
5 has been undertaken;

6 - inadequate examination of prevention as opposed  
7 to mitigation and compensation has occurred;

8 - the Ontario Hydro DSP demonstrates no  
9 understanding of the relationship between environmental  
10 change and change in the culture, society and economy  
11 of First Nation communities and lacks both the data and  
12 the methodology to identify, describe and evaluate  
13 these issues;

14 C. Consultation with Aboriginal Peoples

15 In regard to Ontario Hydro's consultation with  
16 aboriginal peoples, these parties adopt the submissions  
17 of NAN.

18 THE CHAIRMAN: Thank you, Mr. Olthuis.  
19 Next is the Union of...

20 MR. OLTHUIS: Next, Mr. Chairman, is NAN/  
21 Treaty #3/Temagami.

22 THE CHAIRMAN: Who is speaking for them?

23 MR. OLTHUIS: I, along with Mr. Castrilli  
24 and Ms. Kleer represent the Coalition. I will take  
25 about a minute and then the addresses will be given by

1 Grand Chief Bently Cheechoo, C-H-E-E-C-H-O-O, who is  
2 the Grand Chief of the Nishnawbe-Aski Nation, followed  
3 by Grand Chief Steve Fobister, F-O-B-I-S-T-E-R, Grand  
4 Chief of Treaty #3, and followed by Second Chief Rita  
5 O'Sullivan of the Teme-Augama First Nation from Bear  
6 Island.

7 The case, Mr. Chairman, that NAN Treaty  
8 #3 will be putting before this panel will also focus on  
9 those five requirements of Section 5(3). I will not  
10 repeat the framework. Our evidence will demonstrate  
11 that Ontario Hydro has failed to meet its onus with  
12 respect to those requirements and more details of that  
13 evidence are contained in a supplementary opening  
14 statement which we would as well like to have put into  
15 the transcript with your direction.

16  
17 ...

18 SUPPLEMENTARY OPENING STATEMENT FOR DEMAND/SUPPLY  
19 HEARINGS ON BEHALF OF NISHNAWBE-ASKI NATION/GRAND  
20 COUNCIL TREATY #3/TEME-AUGAMA ANISHNABAI

21 April 22, 1991

22 -----  
23 I. INTRODUCTION

24 The purpose of the Environmental Assessment Act  
25 (EAA) is to ensure that environmental factors are taken

1       into account from the early stages of planning an  
2       undertaking. The premise of the Act is that its  
3       underlying principles of public consultation, broad  
4       definition of the environment, analysis of alternatives  
5       and consideration of environmental effects provide for  
6       a comprehensive, effective and environmentally sound  
7       decision-making tool. The mechanism for recording the  
8       environmental analysis performed by any proponent is  
9       the environmental assessment document required to be  
10      prepared pursuant to section 5(3) of the Act.

11                   In this case, Ontario Hydro has submitted  
12      an environmental assessment in support of applications  
13      for approval of a program of activities to serve the  
14      future electricity needs of the people of Ontario over  
15      the next twenty-five years and beyond. It is the  
16      position of Nishnawbe-Aski Nation/Grand Council Treaty  
17      #3/Teme-Augama Anishnabai, and we submit the evidence  
18      will show, that the environmental assessment prepared  
19      by Ontario Hydro does not meet the minimum requirements  
20      expected of a proponent subject to this Act.

21      II.   THE DEMAND/SUPPLY PLAN AND ENVIRONMENTAL  
22           ASSESSMENT

23                   In many respects, this environmental assessment  
24      is different from any assessment that has previously  
25      been brought before an Environmental Assessment Board

1       for hearing and decision.

2                       First, it is an environmental assessment,  
3       not of a specific project, but of the broad topic of a  
4       program of activities associated with meeting future  
5       electricity requirements in Ontario. It is also an  
6       assessment of the energy and power planning process of  
7       one of the largest utilities in Canada.

8                       Second, the scale of the undertaking, and  
9       the number and complexity of issues involved in  
10      examining it, involve multiple scientific disciplines,  
11      as well as socio-economic cultural and political  
12      considerations, for a program that will occur and whose  
13      impacts will be felt, virtually over the entire  
14      province, as well as in adjacent lands and waters.

15                      Third, this environmental assessment is  
16      an extremely general and vague document in the manner  
17      in which it treats the natural environmental and social  
18      implications of the various components of the proposed  
19      Ontario Hydro program. This lack of detail will prove  
20      particularly troublesome in this hearing where no class  
21      approvals are being sought.

22                      These parties submit, and believe that  
23      the evidence will show, that the criteria that should  
24      be considered by this Board in evaluating the adequacy  
25      of the DSP, and under which it will be found wanting,

1 include:

- 2 1. Whether the proponent has established a need  
3 for the additional electrical generating  
4 capacity proposed;
- 5 2. Whether the proponent has given adequate  
6 consideration to the full range of alternative  
7 methods of reducing or meeting energy and power  
8 capacity and consumption requirements;
- 9 3. Whether the proponent has given adequate  
10 consideration to the full range of alternatives  
11 to the undertaking in establishing its  
12 preferred option;
- 13 4. Whether the proponent has described and  
14 considered all aspects of the environment and  
15 effects on the environment, as defined by the  
16 Act, to a degree sufficient to provide a  
17 meaningful identification, description and  
18 evaluation thereof as a basis for sound  
19 decision-making by the Board;
- 20 5. Whether the rationale for the undertaking is  
21 based on a systematic, consistent and traceable  
22 methodology;
- 23 6. Whether all affected groups, including  
24 aboriginal peoples, were fully consulted during  
25 the planning process.

1                   It is the submission of these parties,  
2                   and we believe that the evidence will show, that in  
3                   relation to each of the above six questions, this Board  
4                   at the end of the day will be required to answer in the  
5                   negative.

6                   III.    THE EVIDENCE

7                   While it is not possible to outline all of the  
8                   evidence to be heard at this stage, due to the  
9                   complexity and magnitude of the proponent's  
10                  undertaking, it is possible to describe the broad  
11                  parameters of concern of these parties which we submit  
12                  will be borne out by the evidence to be subsequently  
13                  heard by this Board. In general, we submit that the  
14                  evidence will indicate that the Ontario Hydro proposal  
15                  does not and will not protect the environment in which  
16                  energy and power generation take place so as to satisfy  
17                  the purpose of the Environmental Assessment Act, which  
18                  requires in section 2 "the protection, conservation and  
19                  wise management in Ontario of the environment." The  
20                  evidence will show in general that the Ontario Hydro  
21                  proposal does not meet minimum expectations of a  
22                  rational planning process in relation to: energy  
23                  planning; environmental and social effects; and public  
24                  consultation.

1           A.   Energy Planning Process

2                   In regard to Ontario Hydro's energy planning  
3           process, these parties submit that the evidence will  
4           show that:

5                   - a critical shortcoming of Ontario Hydro's  
6           process in developing a twenty-five year electricity  
7           demand/supply plan is that it fails to consider  
8           adequately such alternatives as demand management and  
9           non-utility generators (NUGs). The Ontario Hydro  
10          commitment to capital-intensive, centralized options  
11          today both precludes and ignores the need to intensify  
12          and emphasize efforts on innovative options in the  
13          future;

14                  - while the DSP contains alternative candidate  
15          demand supply plans, there exists little variation  
16          between the various options developed for detailed  
17          consideration. In addition to containing a number of  
18          elements in common, including the Manitoba Purchase,  
19          the candidate plans, as proposed by Ontario Hydro,  
20          obscure the characteristics of specific elements within  
21          each plan. As a result, and in the context of the  
22          Environmental Assessment Act, the DSP is deficient  
23          since it fails to outline any true alternatives to its  
24          preferred choice;

25                  - state-of-the-art electric utility planning

1 requires full exploration and evaluation of all  
2 potential demand and supply resources and an estimate  
3 of their potential costs, including direct costs and  
4 quantifiable external costs. Such full consideration  
5 of costs should lead to an informed identification of a  
6 least-cost option. The evidence will show that the  
7 Ontario Hydro planning process has not pursued this  
8 approach;

9 - Ontario Hydro's energy planning process is  
10 particularly deficient considering the current and  
11 evolving practice in the North American electric  
12 utility industry. The DSP evaluation and planning  
13 process lags behind a number of utilities and  
14 jurisdictions, particularly with respect to treatment  
15 of externalities and consideration of alternatives.  
16 Relative to other utilities, the applicable energy  
17 planning standard for Ontario Hydro should be high,  
18 given its size and level of resources and the large  
19 projected need for new generation in the province  
20 proposed by Ontario Hydro;

21 - while Ontario Hydro considers the Manitoba  
22 Purchase to be a common element within all of its  
23 candidate plans, its commitment to the Manitoba  
24 Purchase was made prior to any substantial  
25 consideration of issues relating to Ontario

1 transmission requirements. Ontario Hydro has included  
2 no specific siting plan or alternatives for  
3 transmission lines associated with the Manitoba  
4 Purchase and, as a result, lacks site-specific  
5 information, without which it will be difficult, if not  
6 impossible, to develop values for direct costs as well  
7 as potential mitigation and/or compensation costs.

8 This lack of an iterative relationship  
9 with a site-specific planning process will make  
10 evaluation of, and an informed decision on, the  
11 Manitoba Purchase difficult for the Board within the  
12 entire range of options examined by the DSP;

13 - Ontario Hydro's assumptions with respect to load  
14 forecasting are not the result of external forces over  
15 which it has no control, but rather are a function of  
16 its policy preferences over which it has considerable  
17 control;

18 - Ontario Hydro has prepared a demand supply plan  
19 which virtually ignores the energy needs of all First  
20 Nation communities and excludes from consideration  
21 altogether the needs of remote communities,  
22 notwithstanding that the purpose of the DSP is to  
23 identify actions needed to serve the future electricity  
24 needs of the people of Ontario over the next  
25 twenty-five years and beyond.

1       B.   Environmental and Social Effects

2           In regard to natural environmental and social  
3       effects, these parties submit that the evidence will  
4       show that:

5           - increasing emphasis on prevention of adverse  
6       effects and on restoration of the environment in the  
7       context of environmental assessment requires that  
8       attention be paid to the siting implications of  
9       potentially environmentally-disruptive activities,  
10      including secondary, cumulative and off-site  
11      environmental effects, none of which have been  
12      considered in the DSP in relation to transmission  
13      corridors and their associated infrastructure;

14          - possible impacts from high voltage or EHV  
15      transmission facilities on the natural environment and  
16      on traditional resource harvesting including fishing,  
17      hunting, gathering and trapping, may have not only  
18      adverse economic effects but social and cultural  
19      implications as well;

20          - new transmission rights of way will provide  
21      increased access into remote areas and may precipitate  
22      increased traffic, hunting and fishing pressures from  
23      non-aboriginal sources;

24          - potentially adverse health effects of high  
25      voltage (and possible EHV) transmission facilities and

1 impacts of electromagnetic fields on wildlife and  
2 forest vegetation may adversely impact and cause  
3 anxiety for the safety of those who frequent  
4 transmission corridors.

5 The absence of data on the  
6 environmental effects of Ontario Hydro's present  
7 right-of-way management practices will leave the Board  
8 in a position of uncertainty with respect to the  
9 long-term health of humans and ecosystems exposed to  
10 these practices;

11 - the Ontario Hydro DSP is deficient in analyzing  
12 the preceding issues and therefore the Board cannot  
13 determine the implications for the natural and social  
14 environment of the Manitoba Purchase relative to other  
15 supply options and therefore cannot adequately  
16 evaluate its implications for aboriginal peoples;

17 - the enviromental costs of the Manitoba Purchase  
18 are not considered by Ontario Hydro in the rationale  
19 for including it as one of the supply options.

20 Although considered a supply option in the DSP, the  
21 Manitoba Purchase is a common element to all major  
22 supply plans and is, therefore, not considered in the  
23 evaluation. The same level of environmental analysis  
24 is not accorded to the Manitoba Purchase as to the  
25 remaining supply options;

1           - the failure of the DSP to consider the natural  
2           environment and socio-economic effects of the Manitoba  
3           Purchase in its evaluation of the supply options, is a  
4           departure from previous Ontario Hydro practice in  
5           evaluating the environmental implications of  
6           comparative system alternatives;

7           - in its avoided costs calculations, Ontario Hydro  
8           has not included the social and environmental costs  
9           external to it. In the absence of such an analysis,  
10          the Board will be unable to assess the full impacts of  
11          the Manitoba Purchase option on the environment;

12          - the true cost of the Manitoba Purchase must  
13          include the social and environmental costs of the  
14          Conawapa Project on aboriginal people, which impacts  
15          have not been addressed by Ontario Hydro.

16          C.   Consultation with Aboriginal Peoples

17                In regard to Ontario Hydro's consultation with  
18                aboriginal peoples, these parties submit that the  
19                evidence will show that:

20                - there was no meaningful consultation with  
21                aboriginal peoples in relation to the DSP;

22                - the resulting plan shows no indication of the  
23                incorporation of the views of aboriginal peoples.

24                        So, with those few opening comments, Mr.  
25           Chairman, Grand Chief Bentley Cheechoo will address

1       you.

2       OPENING STATEMENT BY GRAND CHIEF CHEECHOO

3                       GRAND CHIEF CHEECHOO: Thank you.

4                       I guess I don't need to repeat my name, I  
5       guess John adequately -- one of the few people that has  
6       spelled it the right way for a change.

7                       Thank you, John.

8                       I am somewhat uncomfortable, I guess,  
9       appearing before the panel today representing the  
10       Nishnawbe-Aski people. Nishnawbe-Aski Nation comprises  
11       of two-thirds the land mass of Ontario, basically  
12       encompassing all of the height of land, which is the  
13       James Bay watershed, and more importantly, the Treaty  
14       #9 area which is the homeland of the Nishnawbe-Aski  
15       people. Within this homeland there are 46  
16       Nishnawbe-Aski communities with a population base of  
17       25,000 people.

18                      First of all, members of the panel, your  
19       ruling on remote electrification appalls me as a leader  
20       of the Nishnawbe-Aski people. I believe that Ontario  
21       Hydro's position and your ruling not to include remote  
22       electrification in these hearings is a profound error.

23                      Members of the panel, the hearings are  
24       about the demand and supply of electricity in the  
25       Province of Ontario. It is my clear understanding that

1       these hearings are to deal with all environmental  
2       impact issues of all Ontario people, including native  
3       people, especially those that are directly impacted by  
4       the undertaking.

5                       Your ruling effectively eliminates the  
6       participation of a good number of Nishnawbe-Aski people  
7       to deal with the subject of remote electrification.

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1                   A question that comes to mind, are we  
2           going to go through the motions for the sake of  
3           satisfying the conscience of Ontario Hydro, the  
4           Province of Ontario and corporate investors of the  
5           Province of Ontario? Or are we finally going to deal  
6           with the real issues associated with this undertaking?

7                   If that is the intent, then we must get  
8           something done -- that we might get something done  
9           during the next while. But to start at the onset to  
10          say that, as an example, that remote electrification is  
11          not part of these hearings, what will be next that will  
12          be removed from the agenda?

13                  Members of the panel, I am here today to  
14          relate to you concerns of the Nishnawbe-Aski people in  
15          relation to the proposals of Ontario Hydro. We are  
16          very concerned about the impacts of transmission lines,  
17          the hydraulic plants, the nuclear plants. Not only on  
18          ourselves, how it is going to impact upon ourselves,  
19          but also how it is going to impact on our brothers and  
20          sisters from all parts of Ontario, and also how these  
21          Hydro developments are going to impact on our brothers  
22          and sisters that live in Manitoba and Quebec.

23                  Treaty #9 was signed by our forefathers  
24          in 1905, without realizing the true intent of the  
25          government, why it was seeking a treaty with the

1 Nishnawbe-Aski people. I'm not here to ask the panel  
2 to determine what rights the Nishnawbe-Aski people  
3 have. Our rights are protected by Section 35 of the  
4 Constitution Act of Canada, and it also should be  
5 noted, it was indicated by counsel, the Sparrow case  
6 clarifies how those rights are protected in pertaining  
7 to the taking of food.

8 Nishnawbe-Aski nation, at the present  
9 time, has taken negotiations with the Province of  
10 Ontario and the Federal Government to clarify some of  
11 these issues. One of the issues that tops on the  
12 agenda right now is a lands and resources question. We  
13 have yet to begin to discuss those issues. But yet at  
14 the same time, while we are having these discussions  
15 with the Government of Ontario and the Federal  
16 Government of Canada, new initiatives are undertaken,  
17 such as the Demand/Supply Plan.

18 Members of the panel, therefore, we take  
19 the position that Ontario Hydro needs the permission of  
20 the Nishnawbe-Aski people to put a transmission line or  
21 hydraulic dams within the Nishnawbe-Aski territory.

22 Recently, Ontario Hydro has taken the  
23 position that it need not bother about specific impacts  
24 of transmission line or hydraulic development might  
25 have on our rights or on our traditional activities of

1       the Nishnawbe-Aski people, because they indicated there  
2       will be a separate environmental assessment of specific  
3       sites for each development. This position has been  
4       taken by Ontario Hydro and is not acceptable to the  
5       Nishnawbe-Aski people. As we understand it, it is  
6       contrary to the requirements of the Environmental  
7       Assessment Act.

8                       Therefore, Ontario Hydro cannot do  
9       site-specific studies without the decision of this  
10      Board and the Government of Ontario. We cannot stress  
11      the importance we put on knowing what a true impact  
12      will be on these developments, and to know what a true  
13      intent and what the true plans are in the longer term.

14                      Members of the panel, there were very  
15      profound impacts on hydraulic development in the first  
16      time around that was indicated by our counsel. These  
17      developments are still -- there are still, from these  
18      developments, there are still outstanding issues that  
19      need to be settled.

20                      A couple of examples I can use is the  
21      Osnanburgh Claim, the Mattagami Community Claim. We  
22      have not even considered the impact of the original  
23      development, and here we are, we are faced with new  
24      proposals.

25                      The impact on our rights to a point of

1       extinguishment is not acceptable to the Nishnawbe-Aski  
2       people. Our rights are not only impacted by Hydro  
3       development, but other activities like mining, forestry  
4       and tourism have the same impact. Any type of activity  
5       in the Nishnawbe-Aski territory has always been for the  
6       benefit of someone else. In this case, in these  
7       proposals, Southern Ontario, investors, and possibly,  
8       possibly the eastern United States.

9               I cannot imagine, as the Grand Chief of  
10       the Nishnawbe-Aski nation, taking it upon myself to dig  
11       up the 401 or take a portion of the 401 out. Your  
12       system would have me thrown in jail right away. We  
13       look at what has been proposed here by Ontario Hydro  
14       the same way, because we use the rivers. The rivers  
15       are our highways.

16              Members of the panel, we will no longer  
17       accept any proposals that have a profound impact on our  
18       way of life and culture. It is time that the public  
19       service and the government of this province realize  
20       that the Nishnawbe-Aski people have a God-given place  
21       in this world, and we only know one, and that is our  
22       homeland.

23              The legal counsel has put before you some  
24       of the issues that we will be dealing with and have  
25       been addressed more specifically.

1 I would like to thank you for allowing me  
2 to address the hearings, to bring the concerns of the  
3 Nishnawbe-Aski people to the table. I would like to  
4 leave with this as a principle of guidance.

5 For the Nishnawbe-Aski people, the land  
6 and water is more than simply a source of food. The  
7 land and water constitutes a permanent sense of  
8 security, well-being and identity. For generations,  
9 the land and water has defined the basis of what the  
10 Nishnawbe-Aski are as a people. In our own words, the  
11 land and water is our life. Be rich, thank you.

12 THE CHAIRMAN: Thank you very much.

13 I think we will take the morning break at  
14 this time, which will be 15 minutes, if we can do that.

15 THE REGISTRAR: This hearing will recess  
16 until 11:45.

17 ---Recess at 11:30 a.m.

18 ---On resuming at 11:50 a.m.

19 THE REGISTRAR: Order. This hearing is  
20 again in session.

21 THE CHAIRMAN: Who is the next speaker?  
22 Mr. Olthuis, who is the next speaker?

23 MR. OLTHUIS: Sorry Mr. Chairman. It is  
24 Grand Chief Steve Fobister.

25 GRAND CHIEF FOBISTER: Thank you, Mr.

1 Chairman, members of the panel, and ladies and  
2 gentlemen. My name is Steve Fobister. I'm the Grand  
3 Chief of Grand council Treaty #3.

4 OPENING STATEMENT BY GRAND CHIEF FOBISTER

5 I'd like to say that I'm pleased to be  
6 here today to represent to you the 10,000 people of  
7 Treaty #3 area.

8 Treaty #3 comprises of an area of 55,000  
9 square miles in Northwestern Ontario and extending into  
10 Manitoba. The people of Treaty #3 are very concerned  
11 about Ontario Hydro's proposal to put a high voltage  
12 transmission line through the heart of Treaty #3. The  
13 line would bring power to the Southern Canada from  
14 Manitoba. We fear that like so many projects in the  
15 past, the benefits will go to the south and impacts  
16 will impose on us.

17 We are also concerned about the  
18 devastation impacts that the generation of that power,  
19 by the construction of the Conawapa dam project on the  
20 Nelson River in Manitoba will have on our aboriginal  
21 brothers and sisters in Manitoba. And we are also  
22 concerned about the impacts of the transmission line,  
23 the hydraulic plant and the nuclear plant on our  
24 brothers and sisters from all the First Nations in  
25 Ontario.

1                   Our treaty was signed in 1873. It is  
2                   protected by Section 35 of the constitution of Canada,  
3                   1982. We take the position that Ontario Hydro needs  
4                   the permission of Treaty #3 to put a transmission line  
5                   anywhere through the Treaty #3 territory.

6                   Ontario Hydro's position is that it needs  
7                   not to bother about the specific impacts a transmission  
8                   line might have on our rights and on traditional  
9                   activities in these hearings before there will be a  
10                  separate environmental assessment of the specific  
11                  transmission route. This position is unacceptable to  
12                  us, and I understand it contrary to the requirements of  
13                  the Environmental Assessment Act. Let me explain as  
14                  clearly as I see the problem.

15                 Our traditional activities have already  
16                 been eroded by numerous activities in the past. These  
17                 include past Hydro developments, logging, tourism and  
18                 mining. The cumulative affects of all these activities  
19                 over so many years is that many of our people have been  
20                 forced off the land. Many others are faced to curtail  
21                 their traditional activities. I see that unless a stop  
22                 is put to the rape of our land, our children will not  
23                 even have the opportunity of pursuing any traditional  
24                 activities.

25                 With respect to past Hydro developments,

1 five of our communities reserves have outstanding  
2 claims which remain unsettled with Ontario Hydro.  
3 These are the communities of Grass and Arrows, White  
4 Dog, Dalles Lac Seul, Lac LaCroix.

5 The chiefs of Treaty #3 have passed a  
6 resolution that Ontario Hydro must settle these past  
7 claims before we even consider or discuss further  
8 developments.

9 Another problem is that Hydro refuses to  
10 get adequate hydro services to many of our reserves,  
11 and Hydro rates are incredibly high, and I think in  
12 these hearings we will table evidence setting this out.  
13 So, while we get the brunt of the negative impacts, we  
14 get precious little of the benefits.

15 We understand from the Supreme Court of  
16 Canada in its ruling on the Sparrow case that we have a  
17 constitutionally protected right to take food from the  
18 land. And I say this: How can Ontario Hydro say that  
19 putting a transmission corridor through our land will  
20 not affect our right to take food when they have not  
21 conducted studies? Our experts are looking at the  
22 possibility and effects of transmission line anywhere  
23 in the proposed corridor, and their evidence will be  
24 presented to this Board.

25 We also object to the fact that Ontario

1 Hydro is specifically planning a specific route through  
2 our territory, before it has the permission of this  
3 Board to put a line anywhere through our territory. We  
4 have told Ontario Hydro that they cannot do a specific  
5 site study without a decision by this Board and the  
6 Government of Ontario, that the Manitoba purchase will  
7 be part of the approved plan. We will be presenting  
8 evidence to show that the impacts of putting a  
9 transmission line anywhere through the Treaty #3  
10 territory are such that the Board will reject the  
11 Manitoba purchase option.

12 Our elders are very concerned that this  
13 Board understand our way of life, so that it can  
14 properly examine how Hydro's project will affect the  
15 way of life. Our elders will be presenting evidence  
16 that are spiritually tied to the land, and let me  
17 explain this in a personal way.

18 The lakes, the forests and all living  
19 things are part of my home. In the cities, people  
20 cherish there fountain, pools and their pets. But they  
21 buy these things. For me the land and all living  
22 creatures and plants are sacred gifts from the creator.  
23 I have the responsibility to preserve the land and the  
24 animals for the next generation.

25 When I go out to my trap land, I'm not

1       going to my job, I am practicing my way of life. I'm  
2       respecting the land and its bounty as my ancestors have  
3       done for thousands of years.

4               We will be presenting evidence to help  
5       the Board understand. You cannot just say to one of my  
6       people, "Well, it is too bad. You cannot use the land  
7       anymore, but you can get a job in a hardware store in  
8       Kenora." Our culture doesn't work that way. Being on  
9       the land is our way of life, it is not a job.

10              So when your society tries to push us  
11       aside so that you can open up a mine or cut down trees  
12       or transport power for yourself, it destroys our  
13       culture.

14              The government of Canada talks about  
15       giving us access to our resources. How can we be given  
16       something that is already ours? Then you turn around  
17       and wonder why so many of my people are in jail and so  
18       many people are with alcohol-related problems. We  
19       create jobs for non-native people by filling up the  
20       jails across Canada, because our lives have been  
21       destroyed and our way of life.

22              Today if you want to see an Indian, I  
23       don't think you would have any problems. Just go into  
24       any welfare or any social institution in Canada, and  
25       you will find so many of them in there, because we have

1       been driven off our land, not having the equal  
2       opportunity as any average Ontarian in our province.

3               You must understand the devastation  
4       impacts that what you call progress has on our way of  
5       life, and this panel must do something about it. You  
6       must say no to Ontario Hydro's plan.

7               I'd like to conclude by saying that I'd  
8       like to thank you for this opportunity to tell you  
9       something about our way of life and something of what  
10      you will hear from our experts and elders, when we  
11      present the evidence in this hearing. You will be  
12      sitting in this room in downtown Toronto for many  
13      hours, many days, perhaps many months and even perhaps  
14      many years. As you sit here, I ask you, you remember  
15      that many of my people are either trying to make a  
16      living off the land to feed their children, to feed  
17      many of their community members, striving to survive,  
18      whether they are fishing, setting traps or hunting, as  
19      their ancestors have done for thousands of years. So  
20      your work is very important, because your decisions  
21      will profoundly affect my people.

22              Please also remember that my people are  
23      the first people of this land, and the people who  
24      welcomed your ancestors to Canada and shared our  
25      resources with you. As we were described in the

1 beginning that we were savages, if we were savages, I  
2 don't think none of us would have been in this room to  
3 go through this process, in order that we can build an  
4 environment the way it should have been. And I think  
5 it is the opportunity that we can avoid further  
6 disasters in the future for all man kind.

7 I don't think it matters what colour you  
8 are, but I think most of us cherish where we live, and  
9 we have to remind ourselves that we have to protect  
10 people and speak for people, regardless that you live  
11 here and someone else lives a thousand miles away.

12 I thank you for this opportunity.

13 THE CHAIRMAN: Thank you.

14 MR. OLTHUIS: Next is Rita O'Sullivan,  
15 the Second Chief at the Teme-Augama First Nation.

16 OPENING STATEMENT BY SECOND CHIEF O'SULLIVAN

17 SECOND CHIEF O'SULLIVAN: Mr. Chairman,  
18 the panel, ladies and gentlemen, I thank you very much  
19 for allowing me to speak here today.

20 Our people have been involved in a  
21 118-year struggle to save our land for our children and  
22 grandchildren. So I have many things I need to tell  
23 you about our way of life. So today I will give you a  
24 brief overview of concerns that we will addressing in  
25 the hearings. ...

1                   The Teme-Augama Anishnabai First Nation  
2           have never signed a treaty with any government. We  
3           have a sacred trust to pass our homeland, N'Daki-Menan,  
4           along to our children so that they may preserve it for  
5           their children and for children of many generations to  
6           come.

7                   The matter of ownership of our homeland  
8           of 4,000 square miles is before the Supreme Court of  
9           Canada. The case will be heard in Ottawa next month.  
10          We fully expect the Supreme Court of Canada to  
11          recognize our aboriginal rights to govern our own land.  
12          This will mean that the North/South Hanmer-Pinard  
13          transmission line cannot proceed without our permission  
14          as it passes through N'Daki-Menan.

15                  But even if that is not the ruling of the  
16          Supreme Court of Canada, Ontario will still require our  
17          permission to put a line through our territory. This  
18          is because on April 23, 1990, almost a year ago to this  
19          day, we signed a Memorandum of Understanding with the  
20          Province of Ontario to co-manage key areas of our  
21          homeland that will be impacted by the north/south  
22          transmission line.

23                  We are also concerned about the  
24          redevelopment of the Ragged Chute Hydro dam that is  
25          planned for the Montreal River. As the river directly

1 enters the water system of Temagami Lake, we think the  
2 panel should make it clear to Hydro that the Ragged  
3 Chute development cannot take place and be a part of  
4 its future plans.

5 We are opposed to these developments  
6 because of our way of life. Our way of life has  
7 already been encroached upon by so many previous  
8 developments including Hydro development, logging,  
9 tourism, and other commercial activities.

10 These activities have pushed us to the  
11 edge of the cliff in terms of traditional activities.  
12 We will not allow Hydro to push us over that cliff. We  
13 are peaceful people and have been for 118 years. But  
14 over the past couple of years, the Government of  
15 Ontario gave the logging interests permission to build  
16 the Red Squirrel logging road through the heart of  
17 N'Daki-Menan.

18 We conducted peaceful protests to stop  
19 the construction. As it turns out now, because of the  
20 Memorandum of Understanding, new logging is not taking  
21 place from the Red Squirrel Road. That was the point  
22 of our protest. But many of our people including  
23 myself still face criminal charges for mischief arising  
24 from our peaceful protests against the further  
25 devastation of our homeland.

1                   I am mentioning this because I think it  
2           is important that you know about that part of our way  
3           of life. My generation has a sacred trust to protect  
4           our land for future generations. We prefer to exercise  
5           that stewardship by participating in hearings such as  
6           these. But if we are not listened to, we will be  
7           taking directions from the elders as to what steps we  
8           must take to protect our land.

9                   Let me conclude with a few additional  
10          words to describe our way of life. Our homeland is  
11          divided in 14 traditional family territories, all laid  
12          out by watersheds, which is a very important part of  
13          land management. All the family territories have  
14          Anishinabek names.

15                  The traditional family territories have  
16          been passed down from one generation to the next.  
17          Those lands were good to us and supplied us all our  
18          needs in the past. The entire way of life of our  
19          people is an expression of our life on the land.

20                  I am pleased to have this short  
21          opportunity to say these things to the panel. You will  
22          hear more about what I have told you today as our  
23          evidence is introduced. Thank you very much.

24                  THE CHAIRMAN: Thank you.

25                  MR. OLTHUIS: Those are the opening

1 remarks, Mr. Chairman.

2 THE CHAIRMAN: Mr. Estrin, are you next?

3 MR. ESTRIN: Good morning -- actually  
4 it's afternoon.

5 OPENING STATEMENT BY MR. ESTRIN:

6 I am going to be one minute and then you  
7 will be hearing from the three native interests that we  
8 represent - that Ms. Marlatt and I represent - which  
9 are, of course: the Union of Ontario Indians, Mr.  
10 Robert Watts, who will be speaking to you, is the  
11 executive director; Keith Lewis will also be speaking,  
12 he is the director of environmental programs for the  
13 North Shore Tribal Council; and the third group, the  
14 United Chiefs and Councils of Manitoulin, we hope will  
15 be represented by Chief Assinowai. He is on a plane  
16 and not yet actually arrived, so we may have to  
17 postpone him until this afternoon.

18 These spokespersons will outline the  
19 nature of the concerns that, as legal counsel, we will  
20 represent during the hearing. The only specific thing  
21 I wanted to say here was that all three of the native  
22 parties are very much concerned with the scope of the  
23 approvals that are being sought from this Board, having  
24 regard to the absence of any adequate comparative  
25 studies in order to seek those approvals. Put shortly,

1 we believe that there are potentially some very  
2 significant procedural issues.

3 As the Board is, I think, generally  
4 aware, we are having discussions with Ontario Hydro  
5 about those and are attempting to resolve whether or  
6 not we can come to some agreement about those. And as  
7 soon as that has been resolved, we will advise you. We  
8 would hope that that would be within the next two or  
9 three weeks.

10 But I simply wanted to say that by being  
11 here today, we don't want to be taken as having waived  
12 in any way our right to make those procedural  
13 objections should that be necessary. Thank you.

14 THE CHAIRMAN: Thank you, Mr. Estrin.

15 Mr. Watts.

16 MR. WATTS: Thank you, Mr. Chairman,  
17 members of the panel, ladies and gentlemen.

18 OPENING STATEMENT BY MR. WATTS:

19 My name is Robert Watts. I am here on  
20 behalf of Grand Chief Joe Miskokomon, Grand Chief of  
21 the Anishinabek who was unable to attend today. He  
22 sends his regrets.

23 Mr. Chairman, the Union of Ontario  
24 Indians is a federation of 43 communities comprising of  
25 some 35,000 people, comprised of the Chippewayan

1 people, Odawa, Delaware, Algonquin, Ojibway, and  
2 Pottawatami peoples, who have signed numerous  
3 pre-confederation treaties, including the  
4 Robinson-Huron Treaty and the Robinson-Superior Treaty  
5 of 1850.

6                   These collective people see themselves as  
7 part of the Anishinabek nation. The Anishinabek  
8 territory includes lands from the north shore of Lake  
9 Superior south to Lake Ontario; from Sarnia in the  
10 southwest to Golden Lake First Nation in the southeast.

11                   Mr. Chairman, I think as you had  
12 indicated earlier, it's quite significant that the  
13 opening day of these hearings takes place on what is  
14 now known as Earth Day. I just wanted to say a bit  
15 about our relationship to the earth which we call our  
16 Mother, 'Mother Earth'.

17                   In our opinion we do not hold dominion  
18 over the earth. We are part of the earth. We are part  
19 of the ecology of the earth, the ecosystem that makes  
20 up this earth, and we are partners in this creation  
21 with the rest of all creative things.

22                   The Creator has given our people certain  
23 rights and responsibilities in respect of the earth.  
24 Whether here at this hearing or in timber management  
25 plans or in land use planning, we will continue to try

1 and live up to our responsibilities, Mr. Chairman, to  
2 our Mother, the Earth, while protecting our aboriginal  
3 and treaty rights.

4 It's incumbent upon us to look not just  
5 at a 25-year plan but to look at impacts both on our  
6 people and our brothers and sisters irrespective of  
7 race and our Mother, the Earth, for the next seven  
8 generations, and that same responsibility is incumbent  
9 upon each succeeding generation.

10 Many of our communities are located near  
11 the mouths of major rivers flowing into the Great  
12 Lakes. These communities chose these sites for their  
13 reserves because of their proximity to good fishing  
14 grounds and waterway access to the Ontario, the boreal  
15 forest hunting grounds.

16 These present day communities have  
17 resided in these locations for over 100 years as formal  
18 reserves and longer as nomadic communities; and their  
19 ancestors have continually used the rivers, lakes, and  
20 forests in traditional pursuits since time immemorial.

21 Any changes, developments, destruction to  
22 the environment represent dramatic impacts to these  
23 communities for the reasons related to their sense of  
24 history, closeness to the land, and traditional  
25 perceptions of the environment.

1                   The Anishinabek have a tradition of  
2           remaining in their home territory and not moving away  
3           far for reasons of education, employment, marriage, et  
4           cetera. For these reasons there are many families who  
5           occupy the same locality for countless of their  
6           generations in the past; therefore, there is much  
7           importance attached to maintaining the existing  
8           landscape, lifestyle, and values associated with the  
9           pristine environment.

10                   The Anishinabek Nation has certain  
11           expectations of Ontario Hydro Corporation and Ontario  
12           society in general in the consideration of supply and  
13           demand energy planning. The aboriginal people view the  
14           extravagant use of energy by Ontario as a threat to  
15           their lifestyle. Many of our remote locations are seen  
16           as potential new generating sites or new transmission  
17           corridors by the Ontario Hydro Corporation.

18                   Mr. Chairman, notwithstanding any  
19           problems with this process as a whole, the Little  
20           Jackfish hydro site has been identified as a new site  
21           that could produce an estimated 132 megawatts.

22                   The DSP Report states that in this  
23           application, approval is being requested of the need  
24           and rationale for the hydraulic developments which make  
25           up this plan. Subsequent project assessments will

1 focus on ensuring that the individual projects in the  
2 plan are implemented in an environmentally acceptable  
3 manner.

4 In our opinion, and legal counsel will  
5 pursue this, Ontario Hydro cannot proceed with a Little  
6 Jackfish site-specific hearing until Ontario Hydro  
7 receives an approval from the Environmental Assessment  
8 Board at these Demand/Supply hearings for the  
9 requirement and rationale of this development.

10 Accordingly, Mr. Chairman, we require the  
11 following statement from Ontario Hydro:

12 "Ontario Hydro agrees that it will not  
13 proceed with the site-specific  
14 environmental assessment hearing  
15 concerning Little Jackfish until Ontario  
16 Hydro has received an approval from the  
17 Environmental Assessment Board at the  
18 Demand/Supply hearing for the requirement  
19 and rationale of this undertaking."

20 Such a clarification and statement on the  
21 part of Ontario Hydro would be consistent with the  
22 statement made in the DSP Report on pages 12 to 15 that  
23 Ontario Hydro is giving a priority to the orderly  
24 development of the remaining practical hydraulic  
25 potential in the province.

1                   Because such hydraulic activity has been  
2           submitted to the Environmental Assessment Board and  
3           until the Environmental Assessment Board has considered  
4           the matter and given its approval, it is illogical for  
5           Ontario Hydro to determine that any particular  
6           hydraulic development should occur prior to the  
7           consideration of what constitutes orderly development  
8           of the remaining hydraulic potential in the province.

9                   Energy consumption cannot be tolerated to  
10          grow at the expense of aboriginal people's use of Crown  
11          lands and traditional lands under their treaty  
12          arrangements. These lands we have hunted, fished,  
13          trapped and gathered on since time immemorial.

14                   We have rights which are constitutionally  
15          protected and cannot be eroded by mere alienation in  
16          the development of hydroelectric sites in our  
17          traditional territories.

18                   For these reasons, the Anishinabek would  
19          want to see substantive evidence that consideration of  
20          options that would reduce consumption and focus on  
21          generation facilities that would have least impact on  
22          their treaty lands. Some of these options are  
23          conservation, energy technology and techniques, small  
24          hydro-electric facilities for run-of-river technology,  
25          a stress on base load power with less emphasis on peak

1 demand, and to have demand management objectives that  
2 reduce peak and overall consumption.

3 The Anishinabek want to see a serious  
4 exploration of alternatives that represent some real  
5 trade-offs in growth and energy consumption by Ontario  
6 Hydro Corporation and Ontario society in general.

7 We believe that meaningful consultation  
8 is not a process of discussion but the act of listening  
9 and seriously considering what is being said. We must  
10 move to resolve the contradictions between your values  
11 and our own and only then can real partnership occur.

12 Because this does not necessarily follow  
13 historical patterns, it may be perceived to be an  
14 Indian victory. We, however, see no corresponding loss  
15 for you. Co-operative and consensual base consultation  
16 will mean that consideration for Mother Earth will be  
17 accounted for which will reflect well on us all.

18 Before I close, Mr. Chairman, members of  
19 the panel, I must say that I do find it difficult to  
20 stand before you and speak of our way of life and  
21 potential impacts on that and our interrelationship  
22 with our Mother, the Earth. I urge you, the panel, to  
23 hold meetings in our communities to hear our elders and  
24 try to understand that these hearings are not just  
25 about supply and demand but are about the potential

1 erosion of a culture that is unique in all the world.

2 The planning process must de-emphasize  
3 the need for aboriginal people to make continual  
4 concessions in relation to the extravagant needs of  
5 Ontario and in relation to their needs under their  
6 treaties.

7 For these reasons, any deterioration of  
8 the natural environment that affects the lifestyle and  
9 cultural pursuits of the Anishinabek are unacceptable..

10 Thank you very much.

11 THE CHAIRMAN: Thank you very much.

12 Mr. Lewis.

13 MR. LEWIS: Thank you, Mr. Chairman,  
14 members of the panel, ladies and gentlemen.

15 OPENING STATEMENT BY MR. LEWIS:

16 My name is Keith Robert Lewis. I am the  
17 director of environmental programs at Mamaweswen, the  
18 North Shore Tribunal Council.

19 I thank the Board, ladies and gentlemen,  
20 for giving me the opportunity to deliver the opening  
21 remarks on behalf of a member of the Anishinabek, the  
22 North Shore Tribal Council.

23 Our service-oriented, regional government  
24 organization is officially known as Mamaweswen, an  
25 Ojibway word which loosely means "all working

1       together".

2                   The North Shore Tribal Council is  
3       comprised of seven Ojibway communities along the north  
4       shore of Lake Huron between the cities of Sudbury on  
5       the east and Sault Ste. Marie on the west.

6                   The communities are called Batchewana,  
7       Garden River, Thessalon, Mississauga, Serpent River,  
8       Sagamok, Anishinabek, and Whitefish Lake First Nations.

9                   Our communities-proper are encompassed by  
10      federally-designated Indian reserves or lands reserved  
11      for Indians, as they are sometimes known, and range in  
12      size from several hundred acres to upwards of 30,000  
13      acres in some instances.

14                  These lands have been specifically set  
15      aside for us under federal legislation known as the  
16      Indian Act. Populations in our communities are in the  
17      order of a few hundred to a few thousand. The combined  
18      total population of the Tribal Council being around  
19      8,000, and people there speak the languages of Ojibway,  
20      Odawa, Chippewa and Pottawatami.

21                  The geographic area which we utilize as  
22      the basis for our traditional pursuits is known as the  
23      Robinson-Huron treaty area of 1850 and stretches from  
24      Batchewana Bay on Lake Superior, follows the north  
25      shore of Lake Huron around Georgian Bay, and ranges

1 south to just above the city of Parry Sound. The  
2 northern extent of the Treaty Area approximates an  
3 imaginary line along the Great Lakes Continental Divide  
4 some 100 miles north of the shore of Lake Huron.

5 I would like to make reference to the  
6 Treaty Areas and other artificial boundaries imposed  
7 upon us by the descendants of the Europeans, and state  
8 that our traditional way of life took us to remote  
9 parts of what is now Ontario into what is now the U.S.  
10 and into what is also now Quebec and Manitoba.

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1                   Though historians tend to have reduced  
2     Indian people to an homogenous whole and insist that we  
3     were essentially nomadic, that is, to follow game to  
4     where it was more plentiful, that narrowly perceived  
5     and concocted view is only partially true.

6                   Today we still roam and explore new  
7     territory, and as in days long gone, we range and have  
8     ranged far beyond the extent of our treaty areas to  
9     engage in our traditional pursuits. You see,  
10    provincial, international, territorial, treaty and  
11    trap-line boundaries have been imposed upon us, and in  
12    effect restrict our natural movements, which, for the  
13    most part, were dictated by the contours of the land,  
14    the flows of the rivers and lakes and the seasons.  
15    Though we travelled extensively, both in the past and  
16    now, our people always have and still possess a unique  
17    sense of community and attachment to the land and  
18    nature, and usually always return to their original  
19    birthplace. Our Spoken History tells us that we have  
20    always been on the north shore of Lake Huron for  
21    centuries and centuries before the first Europeans  
22    began to infiltrate our area with men in black robes.

23                  When the Robinson-Huron Treaty was signed  
24    in 1850, it was signed on a nation-to-nation basis and  
25    guaranteed the signators the right to hunt, fish, trap

1 and to harvest in the Treaty Area at any time, and in  
2 the areas of unoccupied Crown land. The Treaty was  
3 signed and our rights were recognized as aboriginal  
4 people by those who were your ancestors. The end  
5 product of proposals like those indicated in the  
6 Demand/Supply Plan have the effect of gradually  
7 whittling away aboriginal territories and subsequent  
8 rights; guarantees, which your ancestors and my  
9 ancestors entered into in good faith, thereby  
10 abrogating the intended contracts. These rights and  
11 our territories have been callously overlooked by the  
12 agents of both government and industry, and are viewed  
13 with much consternation and distrust in our  
14 communities.

15 It is our contention that the rights  
16 guaranteed by the Treaty give our people first priority  
17 to the natural resources in the area and elevate us to  
18 much more than the usual interest or user group, a  
19 reference and point of comparison to other intervenors  
20 in these hearings who are routinely labelled as such,  
21 being casually lumped in the same basket for the  
22 convenience of government and Board staff.

23 My own home is in the Village of  
24 Kenabutching on the Serpent River Reserve. This Indian  
25 Village, as with all others of the North Shore Tribal

1 Council has had myriad impacts of all shapes and sizes  
2 from various projects of environmentally disasterous  
3 consequences.

4 We have seen the boom and bust of the.  
5 Elliot Lake uranium mines and have complained  
6 vigorously over the years about radioactive and  
7 chemicals pollution in the Serpent River drainage  
8 system, as well as the destruction of thousands of  
9 acres of land from uranium tailings empoundments, not  
10 to forget to mention the great losses of fish and other  
11 plant and animal life from those developments.

12 The Town of Elliot Lake itself was built  
13 over a hunting, fishing and trapping camp and maple  
14 sugar bush where some people from the main village of  
15 Serpent River were born, lived and died. Many of the  
16 elders in Serpent River still have very fond memories  
17 of that early Elliot Lake village and feel that their  
18 concerns for their sense of home has not been met.

19 Not only did the mines themselves have a  
20 negative impact on our people, but the influx of  
21 workers and a new way of life also took its toll. As  
22 assimilated as our community appears on the exterior,  
23 we too have suffered and become further statistics  
24 indicative of the social malaise in Indian society  
25 right across Canada.

1                   With the closure of the mines in Elliot  
2     Lake, we now face the added nightmare of what is going  
3     to happen with all of the wastes left behind by the  
4     mining activities. As a people who have had a  
5     not-so-enriching experience of living downstream from  
6     the mines, we collectively dread the very thought of  
7     decommissioning and realize that we must see it  
8     through, lest we are left on the wayside, having been  
9     afforded as little attention as the trees, lands, and  
10    non-humankind killed in the wake of progress.

11                  The uranium industry has never been a  
12    real benefit to the people of the Serpent River Reserve  
13    or to the other communities of the North Shore Tribal  
14    Council. Very few of our people have historically been  
15    employed by the industry in Elliot Lake and now that  
16    there is a downturn in the Elliot Lake/North Shore  
17    economies due to mine closures, the spectre of further  
18    nuclear developments in the form of a CANDU reactor is  
19    being dangled as a carrot to entice citizens generally  
20    to accept further risk and environmental degradation to  
21    supply more electricity to southern Ontario and parts  
22    of the United States. A chief from one of our reserves  
23    stated that tactics of this type were immoral, being  
24    akin to coercing a starving person with the offer of  
25    food, to do something that they would otherwise not do,

1       were they not starving.

2                   The nuclear industry in our area also  
3       includes a uranium hexafluoride refinery in the Town of  
4       Blind River which is supplied with its raw materials by  
5       the mines in Elliott Lake. The refinery has also left  
6       an indelible mark on the hearts and the memories of the  
7       Indian people of the Mississauga Reserve who live  
8       adjacent to the smoke stacks, because of the sometimes  
9       accidental discharges of uranium powder into the  
10      atmosphere and into the surrounding areas. Studies  
11      which been commissioned recently, which the Atomic  
12      Energy Control Board and National Health and Welfare  
13      have deemed to be inconclusive, make Indian people  
14      wonder cynically whether reason and justice at all  
15      prevail in a system which seems more concerned with the  
16      bottom line and not with people and nature.

17                   The Serpent River Reserve itself became a  
18      direct victim of industrial development in the mid-50s  
19      when a sulphuric acid plant was built there to produce  
20      the acid to aid the refinement of uranium ore in the  
21      Elliot Lake mines' milling process. The plant was  
22      built on a whim and without any consultation with  
23      Indian people in the area or within the community  
24      itself. The intent was to take advantage of and to  
25      utilize a 100-acre portion of the Reserve which had

1       been severed and never returned, originally to permit  
2       sawmilling operations in the 30s. In short, the acid  
3       plant was closed after about eight years of operation  
4       and left essentially intact on the site with thousands  
5       of cubic metres of chemicals used in the acid  
6       production process. It sat there for years until the  
7       Department of National Defence came in to demolish it,  
8       burying the rubble and chemical wastes all over the  
9       site.

10               The site, in its entirety, existed for  
11       nearly 30 years before attempts were made to reclaim  
12       it, and the government and industry fought us tooth and  
13       nail every step of the way. And we are still fighting  
14       with them, attempting to arrive at some compensation  
15       for loss of use of the land for the time it was  
16       contaminated. Though the site has been cleaned up and  
17       returned to Reserve status, it has served as a grim  
18       reminder of why Indian people have become cynical at  
19       the mention of sustainable development, mitigation of  
20       impacts, impact assessment, allowable standards,  
21       compensation, and economic development, to name a few.

22               I hope and think that I can speak on  
23       behalf of the rest of the sisters and brothers in the  
24       province when I say that Indian people are THE most  
25       vulnerable when it comes to projects of the magnitude

1       being proposed by Ontario Hydro in its Demand/Supply  
2       Plan. Sadly for us, we are unique in the Canadian fold  
3       in the sense that probably the majority of our people,  
4       including some of the leaders, are so conditioned to  
5       being overlooked in the consultative sense, that they  
6       see little use in what consultation has become, save to  
7       inform us of what will be done, regardless of any of  
8       our own concerns, rights or obligations, moral or  
9       otherwise, on the part of industry and of government.

10                       Since the coming of the missionaries to  
11       the imposition of alien forms of religion, to the  
12       infringement of aboriginal rights, to the imposition of  
13       foreign forms of government and education, we have  
14       always been told to trust you, that will be okay, that  
15       we'll be taken care of; we have been spoken to about  
16       brotherly love and doing unto others as we would expect  
17       them to do unto us. What is implied in all of this is  
18       that the white person knows better, knows what's best  
19       for us, and the sad part is that many Indian people  
20       believe that and are intimidated and overwhelmed when a  
21       non-Indian shows up in the community, notifying them  
22       that a dam will be built, a transmission line will be  
23       constructed. Many of us have allowed them to do  
24       whatever they want at great consequence, becoming ever  
25       more bitter, cynical and distrustful at the mention of

1 another project being proposed, and strangely enough,  
2 we sometimes allow it to happen again.

3 We are worried about what will happen  
4 here because apathy and conditioning both apply in our  
5 communities and make us the most vulnerable when it  
6 comes to projects like those being proposed in the DSP.

7 In closing, I will outline some of the  
8 principles which we would like to see employed as a  
9 yardstick when portions of the DSP are discussed which  
10 impact on aboriginal communities so that some of the  
11 concerns of those communities are addressed.

12 (1) the relative proximity to Indian  
13 communities of the proposed project or part of plan  
14 must be considered.

15 (2) the potential impacts of the DSP must  
16 take into account land claims, aboriginal rights,  
17 self-government initiatives in the process of  
18 negotiation, resource development agreements in the  
19 negotiation stages, lands subject to treaty, trapping  
20 grounds both allocated and traditional, areas of  
21 traditional harvest, burial grounds and sites of  
22 spiritual and regional significance.

23 (3) the conservation of energy and the  
24 conservation of nature should be foremost in all facets  
25 of the DSP.

1                   (4) Northern Ontario should not become  
2           the environmental sacrifice area for southern Ontario.

3                   (5) Where co-management agreements exist  
4           or are being initiated, proposed developments and plans  
5           should consider aboriginal authority as being above  
6           that of all interest or user groups, something  
7           consistent with provincial recognition of inherent  
8           rights to self-government and the constitutional  
9           reference to aboriginal rights.

10                  (6) The concern over nuclear development  
11           seems to have been lost in response to the provincial  
12           moratorium on nuclear. To us, it is still a very real  
13           threat because Ontario Hydro's will push its case. Any  
14           consideration of nuclear sites should take into account  
15           a province-wide site assessment and elimination study  
16           based on rational and publicly-endorsed criteria.

17                  (7) More consideration should be given to  
18           aboriginal groups in respect of funding, when Ontario  
19           Hydro has site-specific studies and public meetings  
20           with respect to its proposed developments all over the  
21           province. As mentioned, our interests go far beyond  
22           any of the imposed artificial boundaries which  
23           themselves are rarely recognized.

24                  (8) The consideration mentioned above  
25           should also take into account that the North Shore

1 Tribal Council and the Serpent River Reserve are also  
2 intervenors and parties and in the FEARO investigation  
3 of the high-level radioactive waste disposal concept,  
4 the Timber Management hearings, and other forms of  
5 relative importance. There are so many things  
6 happening at the same time that we are at a continual  
7 disadvantage when it comes to adequate meaningful  
8 participation on behalf of our people.

9 (9) We are concerned that Indian people  
10 in other provinces are being directly impacted by the  
11 projects and plans being proposed in the DSP and are  
12 told that they share similar financial problems and  
13 human resources drain from the host of concerns they,  
14 too, are forced to address. If the Ontario process  
15 here does not consider it a plight of people in  
16 neighbouring provinces, affected by inter-provincial  
17 purchases, then the assessment process is flawed and  
18 weakened by not giving them the opportunity to say how  
19 the DSP will affect them.

20 (10) Because of the list of environmental  
21 impacts associated with the North Shore of Lake Huron,  
22 we would like to see an assessment of the cumulative  
23 effects of the DSP in our area. As mentioned, our  
24 people are in the most danger of being overrun by any  
25 of the developments being proposed, both because of

1 indifference and because of conditioning.

2 My final words in closing would be to  
3 respectfully request that the Board hold satellite  
4 hearings in aboriginal communities to get a better  
5 sense of how the people live and relate to their  
6 particular environments right at home.

7 Thank you.

8 THE CHAIRMAN: Thank you, Mr. Lewis.

9 Is the third speaker here yet or do we  
10 have to put it down?

11 MS. MARLATT: I'm sorry, he is not here.  
12 Could you put it down to this afternoon?

13 THE CHAIRMAN: Yes, we will put it down.  
14 That's fine.

15 Who is the next, Ms. Marlatt?

16 MR. REID: Good morning.

17 OPENING STATEMENT BY MR. REID:

18 My name is Chris Reid, I am here on  
19 behalf of OMAA, Ontario Metis and Aboriginal  
20 Association.

21 OMAA was founded in 1971, at that time  
22 it was called OMNSIA, Ontario Metis and Non-Status  
23 Indian Association, but the name changed three years  
24 ago to reflect the fact that about a quarter of OMAA's  
25 constituency are now status Indians as a result of some

1 amendments to the Indian Act.

2 We have over a hundred affiliated  
3 communities across Ontario, all of these Indian and  
4 Metis communities are without land and they range from  
5 Moose Factory in the far north, down to aboriginal  
6 peoples in southern Ontario.

7 Altogether, there are about 200,000  
8 off-reserve aboriginal people in Ontario.

9 The word "aboriginal" can be used  
10 interchangeably with native. "Aboriginal" means me the  
11 Indian, Inuit and Metis peoples, so does the word  
12 "native" to us.

13 OMAA is an umbrella organization based in  
14 Sault Ste. Marie. In addition to its 100 communities  
15 which are affiliated, there are five regional  
16 organizations to which the communities are also  
17 affiliated, and they are the Wasawkwete in the  
18 northwest, the Northern Lake Superior Aboriginal  
19 Association, APANO, which stands for Aboriginal  
20 Peoples' Alliance of Northern Ontario, and the  
21 Nishnawbae Peoples' Alliance of Central Ontario, and  
22 the Southern Ontario Metis and Non-Status Indian  
23 Association.

24 In addition to not having land bases, our  
25 communities have a few other things in common, all of

1       which are negative.

2                   Our communities have no money, none at  
3       all, not from any source. OMAA has some funding, a  
4       small amount of core funding with which to hire three  
5       executives and hold an annual meeting and that's it.

6                   Our communities, unlike the registered  
7       bands, get nothing from the federal government and  
8       nothing from the provincial government. They have no  
9       offices and no staff. They have a history which is as  
10      old as those of the registered bands in Ontario. The  
11      history of Ontario's off-reserve aboriginal peoples,  
12      while it has not been published, is known to our  
13      people, it's passed on to us through our elders. We  
14      know, for example, that when Europeans first came,  
15      almost from the time they first came, aboriginal  
16      communities were split and Metis communities were  
17      formed. In Ontario this began in the early 1700s.

18                  By this century, the Indian Act had been  
19      adopted and communities were again split, this time  
20      arbitrarily by the colonialists, by the federal  
21      government. The effect of the Indian Act, as far as  
22      the economic dislocation, was to force many Indian  
23      people to join the Metis communities which already  
24      existed throughout Ontario. These have developed so  
25      that today most of our communities are a mixture of

1 Indian and Metis people, and as between themselves they  
2 make no distinction except in cultural terms. The  
3 rights of our people have nothing to do with the Indian  
4 Act and nothing to do with status under the Indian Act.

5 Our people say that offers are of  
6 aboriginal communities as far as having aboriginal and  
7 treaty rights should not be seen as any different from  
8 the registered bands, by that I mean bands registered  
9 under the Indian Act. Band councils of course  
10 represent Indian people living on reserves in Ontario.

11 The rights of our people are entrenched  
12 in Section 35 of the Canadian Constitution, which says  
13 that the existing aboriginal and treaty rights of the  
14 aboriginal peoples of Canada are recognized and  
15 affirmed.

16 I am not going to repeat the remarks made  
17 by the Chiefs and by John Olthuis who went before me.  
18 We adopt virtually all of those, endorse them, and  
19 would say the same thing, it's not necessary to repeat  
20 those comments about the rights and cultures of our  
21 people.

22 It is important, though, for you to know  
23 that unlike the registered bands, our people do not  
24 have access to any forum whatsoever for negotiations on  
25 their aboriginal and treaty rights or how those rights

1       may be affected by a plan such as Hydro's. There are  
2       several options available to the registered bands from  
3       the federal government's negotiations processes to the  
4       Indian Commission of Ontario. As well, there is  
5       litigation funding available to bands, sometimes under  
6       strict conditions, none of these are available to our  
7       people. This is important because we are always told  
8       when an undertaking like this comes up. It's similar,  
9       for example, to the environmental assessment now under  
10      way in timber management. In that forum, the Ministry  
11      of Natural Resources, that while aboriginal and treaty  
12      rights may be a concern of theirs, they can't deal with  
13      it; that has to be dealt with in another forum.  
14      Whatever forum our people go to they are told it has to  
15      be dealt with in another forum.

16               Our people will insist that this Board  
17      take into account their constitutional rights and, in  
18      fact, we believe that recent court decisions which  
19      other people referred to, such as the Sparrow case,  
20      require that the Board take into account the aboriginal  
21      and treaty rights for our people. That doesn't mean  
22      making a finding as to the nature of those rights or to  
23      what exactly those rights are. It simply means saying  
24      that Ontario Hydro cannot proceed with any part of its  
25      plan which would have an effect, a negative effect, on

1 the aboriginal and treaty rights of our people without  
2 their consent.

3 A couple of people have referred to the  
4 title of the Demand/Supply Plan document, "the balance  
5 of power". Every time I raise that in one of our  
6 meetings we get laughs from our people, every time.  
7 The reason for that is our people see this, they listen  
8 to the words "balance and power" and to them, they  
9 think in terms of the colonial relationship between our  
10 people which they see reflected again in this document  
11 between our people and the federal and provincial  
12 governments and the industries of the settler  
13 societies.

24 ...

1                   To our people, the balance is still the  
2                   same. It is still reflected in the Demand/Supply Plan.  
3                   Our people are suppliers, period. They supply raw  
4                   resources.

5                   This is still colonialism, as far as our  
6                   people are concerned. It is still based on the idea  
7                   that a site which is defined by non-native peoples as  
8                   remote or unoccupied is so. Even though to our people  
9                   it may be their homeland.

10                  The colonial relationship that our people  
11                  see goes as far as affecting even how they see this  
12                  hearing. Our people, frankly, have a hard time taking  
13                  it seriously. I don't say that to -- I don't say that  
14                  to mean that I think of it that way or that any  
15                  individuals do, but our people generally will tell you  
16                  that they figure this is just another sham.

17                  When we hold a meeting, a community  
18                  meeting on this hearing, or the issues raised by it, it  
19                  is difficult even to get people to come out to it  
20                  because to our people it is seen simply as they say it,  
21                  as one of them said, the new softer face of  
22                  colonialism. Every few years colonialists, the federal  
23                  and provincial governments, come up with a new way to  
24                  justify and put a soft face on what they want to do  
25                  with aboriginal lands. To our people, this is just

1 another one of the same, it is another study which  
2 won't change anything. Whether or not that is true  
3 remains to be seen. I'm not suggesting that that is  
4 the case, but whether or not it is remains to be seen.

5 In addition to the evidence, therefore,  
6 that our people will present on the impacts of  
7 particular parts of the Demand/Supply Plan, for example  
8 the hydraulic part, the transmission lines, our people  
9 will present evidence on the planning process itself  
10 and will propose ways of planning which respect the  
11 constitutional rights of our peoples, while allowing  
12 for orderly economic development in the form of a  
13 partnership between aboriginal peoples and  
14 non-aboriginal peoples, something that doesn't exist  
15 now except in political rhetoric, but it could exist,  
16 and this panel could have an effect on creating that.

17 OMAA itself won't be presenting much lead  
18 evidence, apart from this, on technical issues. We  
19 have accepted up to this point at least that we will  
20 give the lead on most of the technical issues in the  
21 Demand/Supply Plan to other intervenors, other  
22 aboriginal intervenors and other non-aboriginal  
23 intervenors. That may change at some point if OMAA is  
24 not satisfied that its peoples' concerns are being  
25 adequately addressed by the lead intervenors.

1 Thank you.

2 THE CHAIRMAN: Thank you.

3 NAPA is next.

4 MR. THATCHER: Mr. Chairman and members  
5 of the panel, I'm Francis Thatcher, counsel for NAPA,  
6 the Nipigon Aboriginal Peoples' Alliance.

7 OPENING STATEMENT BY MR. THATCHER

8 I'm speaking on behalf of NAPA, and  
9 Theron McCrady, Chief of the Poplar Point Indian Band,  
10 an unregistered Indian band on the eastern shore of  
11 Lake Nipigon, a member of the interim steering  
12 committee of NAPA, and spokesperson for that  
13 organization.

14 NAPA is a recently formed independent  
15 organization of Metis and Indian peoples in the Lake  
16 Nipigon region, from the height of land in the north,  
17 to the shores of Lake Superior. It is composed of  
18 approximately 13,000 aboriginal peoples; Cree, Ojibway  
19 and Metis, in 19 off-reserve communities in the Lake  
20 Nipigon region.

21 NAPA was formed for the express purpose  
22 of intervening in these environmental assessment  
23 hearings. NAPA is still in the formative stage and is  
24 currently reaching out to all communities in the Lake  
25 Nipigon region, non-native and native, native bands,

1 status and non-status and off-reserve aboriginal  
2 peoples. The purpose is to ensure that all peoples of  
3 the Lake Nipigon region are given an opportunity to  
4 discuss the impact of Hydro plans on Lake Nipigon and  
5 the surrounding region, and through the offices of NAPA  
6 to have an opportunity to relate their concerns to the  
7 Board.

8 The Lake Nipigon region is unique in  
9 Canada and Ontario, in that any east-west links or  
10 infrastructure of any sort must pass through this area.  
11 In the past the TransCanada Highway, the CN and CP  
12 railroads, the TransCanada PipeLine, Hydro transmission  
13 corridors, microwave transmission corridors, to name  
14 but a few, have all passed through these lands. Few if  
15 any consultations were ever had with the local  
16 communities and aboriginal peoples, and none whatsoever  
17 with the Metis and off-reserve aboriginal communities.  
18 It goes without saying that compensation was never  
19 discussed, either.

20 The granting of status to the Nipigon  
21 Aboriginal Peoples Alliance as a full-time intervenor  
22 is the frank recognition after decades and even  
23 centuries of being ignored that the aboriginal peoples  
24 and communities at the very least are entitled as of  
25 right to be consulted on any and all activities which

1 impact on their lands and communities.

2 Ontario Hydro, throughout the 1930s and  
3 '40s acted with impunity and little regard for local  
4 communities or the environment, in constructing  
5 numerous hydroelectric generating facilities and dams  
6 throughout Northwestern Ontario.

7 These activities created some of the  
8 largest fresh water diversions of water flow in North  
9 America. The Atlantic and Arctic watersheds were  
10 altered, with scant regard for the impact upon the  
11 environment or upon the lives and livelihood of the  
12 peoples and the communities of Lake Nipigon and other  
13 areas of Northwestern Ontario.

14 In the Lake Nipigon region, the Long Lake  
15 diversion was constructed in 1938, and the Ogoki  
16 diversion in 1943. As we have heard from previous  
17 speakers, these claims with respect to these diversions  
18 are still outstanding nearly 50 years later.

19 The effect of the Ogoki diversion was to  
20 redirect the flow from the Ogoki River, a tributary of  
21 the Albany River, from James Bay through the Little  
22 Jack Fish River into Lake Nipigon and into the Great  
23 Lakes.

24 Dams and generating facilities were  
25 constructed on the Nipigon River, the outlet of Lake

1 Nipigon into Lake Superior. The flows on these rivers  
2 and the level of Lake Nipigon were regulated slowly  
3 according to the dictates of Ontario Hydro and to the  
4 detriment of local fisheries, habitats, peoples and  
5 communities.

6 The result has been the siltation,  
7 pollution and methyl mercury contamination of Lake  
8 Nipigon, the degradation and destruction of the  
9 spawning beds in Ombabika Bay, the disruption and  
10 degradation of wildlife habitats throughout this  
11 region. Will it be any different in the future?

12 NAPA will present evidence to the effect  
13 that the ongoing trauma and degradation of the Lake  
14 Nipigon region will be accelerated and exacerbated by  
15 the plans of Ontario Hydro, as outlined in the  
16 Demand/Supply Plan.

17 The first question to be addressed is  
18 that of jurisdiction. The question must be asked, does  
19 the Environmental Assessment Board have the requisite  
20 jurisdiction at all to grant any authority to Ontario  
21 Hydro to proceed in the face of outstanding unresolved  
22 issues of aboriginal title, treaty rights and  
23 entitlements, and land claims?

24 The particular areas of concern for NAPA  
25 are the following: The hydraulic plans, particularly

1 with respect to the Little Jackfish River project;  
2 transmission corridors, both for the Little Jackfish  
3 River project and the Manitoba purchase option;  
4 non-utility generation; and as has been said by other  
5 parties, whether there will be any benefits whatsoever  
6 for any of the aboriginal communities in these areas.

7 The construction and operation of the  
8 Little Jackfish River project and associated  
9 transmission lines will inflict a massive trauma upon  
10 Lake Nipigon and the surrounding region, peoples,  
11 wildlife and fisheries, and communities. In light of  
12 the degradation already caused by Ontario Hydro  
13 activities, and the activities of other outside  
14 industry, agencies and governments, Little Jackfish  
15 River is the final straw. Lake Nipigon and the  
16 surrounding community may well not survive this trauma  
17 in any meaningful fashion.

18 It is the position of NAPA that virtually  
19 no work should proceed, particularly with regard to  
20 issues of site preparation and the construction of  
21 access roads, until the issues of jurisdiction,  
22 environmental impact, and degradation are fully  
23 canvassed, and if possible, resolved.

24 Finally, as again has been mentioned by  
25 other parties, the Demand/Supply Plan options with

1       respect to Hydro facilities, and the decisions of the  
2       Board in this regard, are for all intents and purposes  
3       final. There are only a limited number of sites  
4       suitable in Ontario for hydraulic generating sites.

5               This opening statement outlines some but  
6       by no means all of the issues that the Nipigon  
7       Aboriginal Peoples' Alliance will be addressing in the  
8       course of these hearings.

9               Thank you very much.

10              THE CHAIRMAN: Thank you.

11              Mr. Estrin, is that the end -- or Ms.  
12       Marlatt, is that the end of that group?

13              MS. MARLATT: Yes, it is at this time.  
14       Hopefully, Chief Assinowai will be here this afternoon.

15              THE CHAIRMAN: Perhaps I could just go  
16       through the list of others that I have down and the  
17       order which I'm proposing that they should make their  
18       presentation.

19              The Moosonee Area Development Board, is  
20       there someone here?

21              MS. TAYLOR: Good afternoon, Mr.  
22       Chairman.

23              THE CHAIRMAN: Yes, you will be next.  
24       Union Gas? Anyone here from Union Gas?  
25       The Ontario Public Health?

1 MR. M. CAMPBELL: Yes, Mr. Chairman.  
2 THE CHAIRMAN: All right, North Channel  
3 Advocates?  
4 MR. ROGERS: Yes, sir.  
5 THE CHAIRMAN: Consumers Association?  
6 FROM THE FLOOR: Yes.  
7 THE CHAIRMAN: Government of Ontario?  
8 Ontario Federation of Agriculture?  
9 MR. THOMPSON: Yes.  
10 THE CHAIRMAN: Canadian Petroleum  
11 Association?  
12 Coalition of Environment Groups? Thank  
13 you, Mr. Poch, that is your group.  
14 MR. D. POCH: Yes.  
15 THE CHAIRMAN: Energy Probe?  
16 MR. MATTSON: Yes, Mr. Chairman.  
17 THE CHAIRMAN: Voice of Women?  
18 MS. SPOEL: Yes, Mr. Chairman.  
19 THE CHAIRMAN: Northwatch, Mr. Kelsey?  
20 MR. KELSEY: Yes, Mr. Chairman.  
21 THE CHAIRMAN: Pollution Probe?  
22 MR. KLIPPENSTEIN: Yes.  
23 THE CHAIRMAN: Green Party.  
24 MR. HARRIS: Yes.  
25 THE CHAIRMAN: Dr. Mackesy?

1                   And Mr. Wright?

2                   MR. WRIGHT: Yes.

3                   THE CHAIRMAN: Anyone else?

4                   MR. ROGERS: Yes, sir, my name is Rogers,  
5                   and I represent the Ontario Natural Gas Association,  
6                   and we had an opening statement to make as well. Your  
7                   secretary was advised, but apparently it didn't get on  
8                   your list.

9                   THE CHAIRMAN: I may have missed it.  
10                  Anyone else?

11                  MR. HUNTER: Ron Hunter.

12                  THE CHAIRMAN: Mr. Hunter? Anyone else?

13                  MR. TZEKAS: Mr. Chairman, my name is  
14                  Tzekas. I represent Central Ontario Coalition. We  
15                  indicated that we were going to make an opening  
16                  statement. I believe that can be reduced in writing at  
17                  this point.

18                  THE CHAIRMAN: Thank you.

19                  Anyone else? Then we will break now  
20                  for...

21                  MR. HOWARD: Mr. Chairman, just before  
22                  you rise, I take it from that list that it is safe not  
23                  to have panel one witnesses here this afternoon.

24                  THE CHAIRMAN: I think that is fairly  
25                  safe, yes.

1 MR. HOWARD: Thank you.

2 THE CHAIRMAN: We will adjourn until

3 2:15.

4 THE REGISTRAR: This hearing will adjourn  
5 until 2:15.

6 ---Recess at 12:55 p.m.

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1 ---On resuming at 2:15 p.m.

2 THE REGISTRAR: This hearing is again in  
3 session.

4 THE CHAIRMAN: We are going to make a  
5 couple of slight changes in the order to accommodate  
6 certain parties that are here. We plan to sit for the  
7 remainder of the afternoon, taking a fifteen-minute  
8 break, and stopping just shortly before five o'clock  
9 if we don't get finished.

10 We are going to call on Mr. Wright if he  
11 is here. Mr. Wright, could you come forward and make  
12 your submission, please.

13 OPENING STATEMENT BY MR. WRIGHT

14 MR. WRIGHT: My name is Timothy Wright.  
15 I am just a person from Ontario and I am here because  
16 this is my utility, which makes it our utility.

17 If this panel, if this operation felt  
18 that it needed a mascot, then I would suggest Charlie  
19 Brown, and a motto, "We have seen the enemy and it is  
20 us."

21 Whatever Ontario Hydro is today, it's  
22 because of the people in Ontario. And I think this is  
23 a super process to make sure that what Ontario Hydro is  
24 in the future is reflective of the people who are in  
25 Ontario.

1                   Now, my theme in being involved in these  
2                   hearings is going to be the people of Ontario and  
3                   specifically with their minds, the parts that reason.  
4                   I am going to leave the body to Pollution Probe and the  
5                   lungs to Atikokan, and the dollars to Energy Probe.  
6                   And I want to be involved in the reasoning part.

7                   We have people, let's call them  
8                   designated operators, the Board and the management, who  
9                   create what Ontario Hydro is. And it's difficult for  
10                  us to be part of the group in the longhouse to ask  
11                  questions and to hear the process that has gone through  
12                  in arriving at decisions. So, we need help.

13                  Now, the financial people in the city  
14                  long ago decided that they needed help when assessing  
15                  corporations, and they chose the form of having  
16                  financial audits. And chief executive officers and  
17                  chief financial officers don't get excited anymore if  
18                  the auditors turn up to do an audit of their company,  
19                  except for a few exceptional circumstances.

20                  Actually one of the reasons I got  
21                  involved in the beginning was because Justice Estey was  
22                  going to be involved, and I met him many, many years  
23                  ago. He trained with a guy who helped me a lot, many  
24                  years ago.

25                  So, we can't really use a financial audit

1 with Ontario Hydro because it is inappropriate. They  
2 already have one. But there is a form of audit called  
3 a comprehensive audit that can -- and it is especially  
4 designed to be done on organizations that you can't  
5 measure in bottom line performance the dollars, how  
6 well they do.

7 We need somebody who is looking at  
8 Ontario Hydro's mandate, let's call it hopefully a  
9 mission statement, and being able to report back to us  
10 as to whether they are actually doing what they say  
11 they are doing.

12 There is a little system, game, process,  
13 that is used with people who are checking people's  
14 priorities. And you sit down and you tell people what  
15 your priorities are and then you take away a chart for  
16 a week or a month or whatever time period and you  
17 colour the time that you spend for the next week,  
18 month, whatever, and then you get a very rude shock  
19 when you find out what your priorities really are,  
20 given what you said they were.

21 And it is not going to be with colours we  
22 do this, but there has to be some way of measuring how  
23 Ontario Hydro is doing against what they say they want  
24 to do.

25 One example would be looking at the last

1       ten or fifteen years at the intake of engineering  
2       graduates. Were the top quartile streamed into  
3       nuclear? Or have they been spread generally through  
4       all of the processes of Ontario Hydro?

5               And this same type of reasoning would  
6       apply to everything that happens. You have to apply  
7       people and money to problems. And you can only measure  
8       a company's real priorities when you can get a look at  
9       how they apply the people and the money.

10              Similarly, there isn't any reason why  
11       Ontario Hydro shouldn't be subject to engineering  
12       audits. It is probably a little bit more radical than  
13       a comprehensive audit because in Ottawa there is a very  
14       well-established blue chip comprehensive auditing  
15       foundation that would be able to assist Ontario Hydro  
16       in that process. I just wouldn't know where to start  
17       with the engineering audits except that I think they  
18       should have them.

19              The second part that I want to pick up on  
20       in this theme of the people of Ontario is the people  
21       that work in Ontario Hydro themselves. They are part  
22       of our people of Ontario Hydro. And if you read the  
23       Collins report, the Clark study, the Hare Commission,  
24       if you read that article on living in the nuclear  
25       shadow by David Lees a few years ago in the Toronto

1 Life, if you knew the answers to what happened in  
2 Switzerland, why they suddenly downplayed the nuclear  
3 and stopped it cold about ten years ago and kept the  
4 existing stations but didn't do anything more?  
5 What are the results of the latest Inpoll reports?  
6 What jumps out of all of these studies and reports is  
7 this motivation morale problem in Ontario Hydro.

8 And I don't think it's anything really  
9 strange to us to understand that engineers have  
10 problems handling people well, so I think it is time  
11 that in this comprehensive auditing process that some  
12 kind of light was thrown on how Ontario Hydro are  
13 trying to deal with the motivation morale problem.

14 And one of the smallest things on this of  
15 course is that accidents happen around unhappy people,  
16 and we really don't want accidents, not at Bruce, not  
17 anywhere.

18 And there is a very good likelihood that  
19 the cure is simply not within the capability of Ontario  
20 Hydro given the environment, the culture, the  
21 engineering culture that they have, and that they are  
22 going to have to look outside.

23 There is a third theme, a third aspect to  
24 this theme, and that is the social fabric. And looking  
25 at it once again from us the people, how does Ontario

1 Hydro affect us in our small communities? Now, we have  
2 heard this morning some horror stories of how some of  
3 us were affected in our smaller communities, but there  
4 is another focus on this.

5 You have often heard the story that wise  
6 parents say or caring parents say to their children,  
7 'When you are about to pick a mate, see if you can pick  
8 a doctor or a dentist and be happy with them because at  
9 least you will be happy comfortably.'

10 There is a very good chance when we look  
11 at the outlying regions of Ontario at the moment with  
12 this move to smaller places, that wise and caring  
13 parents will be saying, 'If you are going to pick a  
14 mate, why don't you pick a mate to be happy with who  
15 works for Ontario Hydro, Brewers' Retail, LCBO, the  
16 post service, because they are people that work out  
17 there in these small areas on Toronto salaries.

18 And this is not Ontario Hydro's problem,  
19 but they are going to be part of the problem in the  
20 future. And it's skewing our social fabric and it is  
21 going to be something that is going to have to be  
22 looked at in the next twenty years.

23 So, there are the three themes that I am  
24 going to be looking at over the duration of these  
25 hearings. I don't come up until witness panel 9 and

1        11, I think, so it could be a year or so before I see  
2        you again. I just wanted to close with a few of my  
3        musings about what could happen as a result of these  
4        hearings.

5                    In reading - and that was a job - in  
6        reading the interrogatories, you know, it arrived, and  
7        I wanted to check who, if anybody, had been asking the  
8        same kind of questions that I had, and certain things  
9        jumped out, and one of them was this reiteration by  
10       Ontario Hydro that their mandate was cheap power.

11                   And in some somebody's estimation, the  
12       Atikokan group, this meant acid rain. And I think it's  
13       quite interesting and more of a coincidence that we  
14       should be starting these hearings in the very early  
15       days of a government that has made it clear that they  
16       want to be the government of the people, responsive to  
17       the people.

18                   And the Government of Ontario pushes the  
19       mandate over to Ontario Hydro, and I think we are going  
20       to -- if I was going to muse on any major changes, I  
21       would think that this cheap power mandate is going to  
22       come back and be turned around, so that it's as  
23       economic power as you can have after protecting the  
24       environment and the social fabric of the people of  
25       Ontario.

1                   Now in the beginning, I meant to say, if  
2       I didn't say, that I hoped that these hearings would be  
3       a joint process where Ontario Hydro and the people of  
4       Ontario got together to deal with these issues, and  
5       that what I meant by the Charlie Brown and "We have  
6       seen the enemy and it is us" is that we can't really  
7       point fingers of blame in this situation. We have a  
8       situation. Now we have to deal with it.

9                   And I am going to get all the way to the  
10      end of my little presentation and I'm going to change  
11      that a little, and I am going to say that there is  
12      probably one area - and this is where I will link  
13      myself back to Justice Estey - there is one little area  
14      where I think that we need to look a little sharper,  
15      and that is that in between the government and the  
16      management of Ontario Hydro sit a board.

17                  And the fact that the previous  
18      governments didn't specifically spell out that the  
19      social fabric and the environment needed to be dealt  
20      with, I don't think is in any excuse that the Board did  
21      not make sure that this was part of the issues that  
22      Ontario Hydro's management took into account.

23                  And I think the kindest thing that could  
24      be said is that the rotation of directors of Ontario  
25      Hydro will probably need to be looked at and maybe

1       accelerated a little because you have to have  
2       continuity but you also have to have an influx of  
3       people who are -- and I struggled with this. I used my  
4       sons as sounding boards to try and get an impression  
5       that was non-provocative today. I would have to call  
6       Ontario Hydro as existing in yesterday's world, and I  
7       think that it is time that we moved into the future and  
8       I wish you luck. Thank you.

9                   THE CHAIRMAN: Thank you, Mr. Wright.  
10                   Northwatch, Mr. Greenspoon.

11                   MR. BURT: Yes, Mr. Chairman, members of  
12       the panel, I was --

13                   THE CHAIRMAN: Could you give your name,  
14       please.

15                   MR. BURT: My name is Ed Burt. I live on  
16       Manitoulin Island, and I was asked last Saturday at a  
17       management committee meeting to give the opening  
18       statement today on behalf of the Northwatch  
19       Intervention Coalition.

20       OPENING STATEMENT BY MR. BURT

21                   And our Coalition is made up of  
22       environmental groups from northeastern and northwestern  
23       Ontario, and one group with provincial interests. And  
24       the reason that we decided at the management committee  
25       not to have our counsel make this opening statement is

1       because we feel we are a client-based coalition and  
2       this is a client's case. And our intervention  
3       coalition structure has a steering committee and a  
4       management committee and it is important to us that we  
5       keep very much involved in this case.

6                       I certainly didn't intend to be down  
7       here. I am not very well prepared for this at all.  
8       My normal work at this time of the year takes me to  
9       repairing ranch fences and delivering little pigs and  
10      lambs on my farm and some of my neighbour's farms, but  
11      anyway...

12                     One other thing too, just as I walked out  
13      the door yesterday to come, the last thing that my wife  
14      said to me was to "speak directly to the panel and  
15      don't talk at the ceiling", so, anyway, if I don't talk  
16      to you folks, it isn't because I wasn't told to.

17                     When I got involved in this intervention  
18      coalition, it seemed to me to be pretty easy because I  
19      have been a part of a lot of different environmental  
20      groups over the decades; that even when there is a  
21      rumour of a hearing of any kind and it's in the wind at  
22      all, it is easy for someone to respond by first of all  
23      applying for intervenor funding without a thought at  
24      all as to how they might participate, and I have been  
25      involved in those.

1 I don't think that this is the case with  
2 us at all. Energy issues are not new to many of our  
3 members in the Coalition. Some of us were involved  
4 through the Porter Commission hearings and previous to  
5 that on safe energy committees. And we have served on  
6 national energy caucuses and national energy  
7 consultation forums, and we have been involved in  
8 all-party committees on energy issues for years.

9 We come to these hearings with a lot of  
10 anxiety. We really believe that this is a new day and  
11 that we can't go on in many areas, especially in the  
12 energy field, you know, as business as usual, change a  
13 few little things here and a few little things there.  
14 It's is not that way anymore; it just can't be.

15 And we think as clients we have put  
16 together a pretty good team too. I am not going to go  
17 into any specific things regarding our case because we  
18 have some, I think we have appointed a good counsel.  
19 We are working with them pretty closely. We are  
20 watching them. We are going to continue to watch them.  
21 We send them some stuff and then we ask them when they  
22 had a chance to view it and look at it and sometimes  
23 they lose it and sometimes they don't view it, but they  
24 find it and they view it.

25 And we think we have got some good case

1 managers and we think we have put together some  
2 witnesses that we think at least will tell our story  
3 from a northern perspective pretty well.

4 And I don't think that I have to talk at  
5 all about, you know, the trust we have or I don't think  
6 I have to stand up in any way for the integrity of our  
7 team. I think they understand pretty well how  
8 important this hearing is to us.

9 And I think that too I was just thinking  
10 a moment ago about some advice I got three years ago  
11 from a trip -- I spent a while in Nicaragua and I was  
12 talking to one of the members of the Sandinista  
13 government, and I was asking him some things about his  
14 country.

15 And he said, 'Well, how long are you  
16 going to be here?' And I said, 'Well, ten days.' He  
17 said, 'Well, you go in our cities wherever you like,  
18 ask anybody any question you wish, and go in our  
19 countryside and ask anybody you see any question you  
20 wish, and go where you like, whenever you like,  
21 wherever you like. And when you go back home, you  
22 know, tell your neighbours what you have seen and  
23 heard.'

24 So, in the future we will be inviting you  
25 on the panel to probably come and see some of our area

1       that concerns us very much, areas like the North  
2       Channel of Lake Huron and some of the impacts on  
3       northern Ontario already, perhaps some of the tailing  
4       piles at Elliot Lake and some places we don't believe  
5       that we can afford to risk like -- well, the cleanest  
6       of the Great Lakes now Lake Nipigon.

7               I would like to talk for a second about  
8       some of the vested interests we have in the North. A  
9       lot of us that live in the North now, we have white  
10      skins but we have buried some of our grandfathers up  
11      there and now we play with our grandchildren in the  
12      North. And I was playing with two of mine on my farm  
13      just the other day.

14             And so somehow or other we feel -- I know  
15      the north country seems to be pretty big when you live  
16      down here and you look at the map where the mass of  
17      people that live in Ontario and then you look at  
18      northern Ontario. But I was looking out the window of  
19      the house I stayed in last night. And I was looking at  
20      the backyard. It's lawn. But that area could almost,  
21      it could feed one person.

22             But if you took that area, that same land  
23      mass as I looked out the window there that was enclosed  
24      by the fence and put it up into the northern Ontario,  
25      it wouldn't support a red squirrel. We get the

1 attitude, you know, that the North has tremendous,  
2 great, wonderful, strong rivers and lots of resources  
3 and giant trees and lots of space, and we can do  
4 whatever we like with it. But it's not that way at  
5 all. It's a very fragile area.

6 And somehow we believe that we have the  
7 responsibility to -- we have it in trust and we have to  
8 protect it and we have to get a message out to anyone  
9 that we believe will in any way destroy it.

10 And it is hard to explain being a steward  
11 of the land. I will never be able to do as good job as  
12 the native people did this morning, but as best we can,  
13 we want to bring to the panel that we feel at least a  
14 tremendous responsibility, a moral responsibility to  
15 caring for the earth.

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1                   Some of the impacts that we have in the  
2                   North already could be devastating beyond belief and I  
3                   think that they are things that we never even think  
4                   about.

5                   I am wondering if the impacts of the  
6                   all-terrain vehicle and the snow machine and the chain  
7                   saw and the high powered rifle and the telescope, I am  
8                   wondering if the north country can absorb those  
9                   impacts, just those alone, and then when we add to it  
10                  the millions and millions of tonnes of mine wastes that  
11                  are scattered all over the area, from gold mines to  
12                  copper mines, to uranium mines -- I have been trying to  
13                  make people aware of the uranium tailings in Elliot  
14                  Lake for years and years. I sold turkeys in Elliot  
15                  Lake to Crawley McEachen when the mines first started  
16                  running, and I've seen them running the pipes of  
17                  tailings into the lakes, and you fill the lake and you  
18                  fill the swamp, and it runs over top of the next hill  
19                  and fills the next lake and the next swamp, and one day  
20                  a Member of Parliament from the north country took me  
21                  to task for this and he said, "Why don't you stop it.  
22                  The uranium tailings in northern Ontario only represent  
23                  2 per cent of the tailings. What's all the fuss?"

24                  I don't know whether the percentages are  
25                  right, but all I know is that there is about 1,000

1        acres that's destroyed forever. There is not a fence  
2        around it. I have gone up there and taken pictures of  
3        mothers and little kids picking blueberries in  
4        tailings, radioactive tailings. It's a provincial  
5        disgrace.

6                        And when we look at the clear-cut in  
7        northern Ontario, some of them as big as Prince Edward  
8        Island, and when I go out to the North Channel where I  
9        fish and camp with my children, my grandchildren now,  
10       I've seen the last bald eagle in 1982, there was a male  
11       that stayed there for three years and I haven't seen  
12       him since '82. And when we look at the impacts of the  
13       Zebra mussels in our Great Lakes system now, it makes  
14       me wonder how much longer, how many more impacts that  
15       our fragile north can absorb.

16                      About six or seven years ago a friend of  
17       mine came to my home and wanted to get some larch  
18       trees, some tamarack trees to make some pond net poles  
19       for his little fishing operation, and I told him to go  
20       down to my woodlot and cut as many as he wanted to. He  
21       took them out in the spring when the ground was soft,  
22       with his tractor and later my son went in there with  
23       the tractor for one load of cedar posts and it made two  
24       tracks in the woods and it started a little stream and  
25       I saw it yesterday running out into the ditch, so there

1 is two streams where the two tractor trucks went, and  
2 now the rest of the larch trees are changing colour.  
3 They changed colour last summer because it's too dry in  
4 there now, you know. And you walk in around that woods  
5 and see all these trees and two trips with a tractor,  
6 you know, we are talking about an extremely fragile  
7 area.

8 I think that places like the North  
9 Channel of Lake Huron, when I see all of the yachts up  
10 there, I have got a little cedar strip boat and it may  
11 be one of the few wooden boats that's out in the North  
12 Channel now, so when you see this old gray haired guy  
13 out there with an old boat, a lot of people wave me  
14 over and I talk to them. It's something that they  
15 spend their entire year dreaming about, and I'm not  
16 sure that -- talk about risks, if you are not happy  
17 with your work, and that's all they live for, some of  
18 them, is to get up there are for a while in the summer.

19 The thoughts of heating that shallow  
20 water up in any way with a project and destroying it  
21 forever, it causes anxiety in people that no amount of  
22 money or energy or black ink at the bottom of the page  
23 will ever compensate for. And I think that they are  
24 just too valuable.

25 The people in Lake Nipigon feel the same

1 way and we hope that you and the panel can come up and  
2 see these beautiful places, if you haven't already.

3 Sustainability; I wanted to mention that  
4 for a minute or two. I look at some of the things that  
5 we -- actually I think how we got the word  
6 "sustainability," some environmental group or somebody  
7 came up with that word and then, of course, because we  
8 haven't really developed any new language in the last  
9 three decades, I think the economic community decided  
10 they couldn't deal with it so they added another word  
11 to it and called it "economic development" or  
12 "sustainable development," so that's where I think we  
13 got sustainable development.

14 Well, to leave the development part off  
15 of it, anyway, and just look at sustainable. Man, do  
16 some of these things ever take a long time.

17 In 1950 I bought my farm and the woodland  
18 had been logged. I had some people from the Ministry  
19 of Natural Resources over my farm this winter, this  
20 spring, they wanted to go down and take some pictures  
21 of it and they wanted me to make some comments because  
22 it was some kind of a party they were having in  
23 Espanola over a 15-year forest management plan and I  
24 had been involved in it to some degree. And I said,  
25 well, I haven't gotten anything out of it. I paid the

1        taxes and I worked with it now and it was a mess in  
2        1950, and I think maybe with a little bit of luck and  
3        without too much more air pollution and another two  
4        generations that maybe know a lot more about woodlot  
5        management than I do, it might be sustainable in the  
6        future. And the reason that he came to see me was it  
7        was the only area that he could go on Manitoulin to  
8        take some pictures, and we have got a lot of bush.

9                    I look at some of the developments that  
10       work to some degree. We have got a little hydro  
11       project we started in Kagawong recently and I remember  
12       being a part of the ARDA Board back, I don't know -  
13       it's three decades ago, I don't know how long ago it  
14       was - when we purchased the property from Ontario  
15       Hydro, but it's a community development and the  
16       community talked about it and discussed it and argued  
17       about it for years. There are still some things to be  
18       ironed out.

19                   The problem is, it was basically an  
20       English neighborhood and it was two French people that  
21       developed it, and that's a problem, too, for our  
22       community. But it's a little wee piece of regional  
23       self-sufficiency and sustainability, just like my  
24       little woodlot. And then if we could add some farms to  
25       that, you know, we have been farming in the areas up

1       there now for a hundred years and we don't even have  
2       the definition of sustainability in Ontario in  
3       agriculture, and I will challenge anybody in the  
4       Department of Agriculture to give me one and I have  
5       been farming for a long, long time.

6               I hope that in these hearings that we can  
7       develop a better trust relationship with Hydro. I  
8       would like to see Hydro join the community, any  
9       community, the big community, the little community,  
10      rather than somehow or other constantly being apart.

11             If you lived where I live and you would  
12      have watched Elliot Lake develop, not because it's got  
13      anything to do with energy --

14             THE CHAIRMAN: Mr. Burt, sorry to  
15      interrupt you, but you have been a few minutes over  
16      your 15 minutes. Are you going to be much longer?

17             MR. BURT: I only have a minute or two  
18      longer.

19             THE CHAIRMAN: Thank you.

20             MR. BURT: That you would see, anyway,  
21      how this community, how it has lived apart from the  
22      rest of the communities in the north, and I hope that  
23      Ontario Hydro would, in the future, be more a part of  
24      our community.

25             I have looked at the Supply and Demand

1 Plan at length, and when I have talked to people in our  
2 area I think that when people that are familiar with  
3 some of the projects say - and this is their quotes on  
4 the phone the other day - "Projects won't be needed for  
5 50 years and maybe never," it makes me real happy that  
6 we are able to meet in this forum.

7 I think that one of the things that I  
8 have seen long before the Porter Commission in working  
9 with energy issues, I have seen in my lifetime what I  
10 consider to be a tremendous amount of stupidity. I  
11 think we often give stupidity another name, and I think  
12 stupidity, in my view, is acting against evidence that  
13 we have. We call it economic stimulus; we call it  
14 economic planning; we call it economic growth; but it's  
15 stupidity nevertheless. And I believe that we, in  
16 Ontario, probably have all the knowledge that we need.  
17 I don't think it's knowledge we need. I think that  
18 it's understanding and the wisdom to use that  
19 knowledge. I think that's what we need.

20 We in our intervenor coalition, we are  
21 looking at the future with a lot of anxiety and I think  
22 a lot is at stake, and I think when I compare today  
23 with the day of the Porter Commission, I would have  
24 never dreamed that there was going to be this kind of a  
25 panel in Ontario, and I am extremely pleased to be a

1 part of it because this is a panel that has the power  
2 to make decisions, and that we are going to be involved  
3 in a tremendous amount of public involvement and out of  
4 this we may see environmental legislation and a power,  
5 a panel with power, and I am really pleased to be a  
6 part of it.

7 I'm sorry I went over my time. Thank you  
8 very much.

9 THE CHAIRMAN: Thank you, Mr. Burt.

10 Mr. Taylor.

11 MR. TAYLOR: Good afternoon, Mr.

12 Chairman, members of the panel.

13 OPENING STATEMENT BY MR. TAYLOR:

14 My name is Blair Taylor, I appear on  
15 behalf of Moosonee Development Area Board and the  
16 Moosonee Chamber of Commerce. I would collectively  
17 refer to them as "Moosonee".

18 As the panel is aware, the Moosonee  
19 Development Area Board was created by statute, has a  
20 population of about 1,800, approximately 50 per cent of  
21 which is native.

22 The Moosonee Development Area Board has a  
23 statutory jurisdiction of approximately 57,000  
24 hectares, stretching from the James Bay upstream on the  
25 Moose River, almost to the confluence of the

1 Kwataboahegan River.

2 I will be brief in my comments with  
3 regard to the substance of the hearing and a little bit  
4 further in my comments with regard to process.

5 For the record, I am sure it will come as  
6 no surprise to the members of the panel that Moosonee  
7 stands by the materials and argument advanced in its  
8 motion of March the 7th to the effect that our position  
9 is that the Demand/Supply Plan, and in particular the  
10 hydraulic plan, is totally inadequate for the purposes  
11 of an environmental assessment.

12 Under the heading of "Process" there are  
13 two issues I wish to address:

14 The first issue concerns a matter raised  
15 this morning and it's a concern regarding the proposal  
16 by Ontario Hydro to have a portion or portions of the  
17 hydraulic plan proceed in parallel to the DSP. We  
18 concur with other parties that the Demand/Supply Plan  
19 must be dealt with first and, secondly, we would state  
20 that it is entirely prejudicial to the interests of  
21 small northern communities to even propose such a  
22 procedure.

23 The second issue in terms of process that  
24 I wish to deal with concerns outside Toronto hearings.  
25 It was on May 24th, 1990, about eleven months ago, that

1       this issue was first raised, outside Toronto hearings.  
2       At that time the notions of site visits and satellite  
3       hearings were raised. The concept of a site visit was  
4       suggested to the panel to be conducted before the  
5       evidence was heard about a particular area in order  
6       that the Board might have a conceptual or on-the-ground  
7       idea as to what Ontario Hydro was in fact talking  
8       about.

9               The concept of satellite hearings was a  
10       matter that I raised with particular regard to my  
11       clients and the hydraulic plan. The distinction  
12       between a site visit and a satellite hearing was for  
13       the latter, since virtually all the hydraulic plan is  
14       concentrated in the Moose River Basin, that those  
15       people who are to be directly impacted by Ontario  
16       Hydro, ought to have the opportunity of hearing the  
17       hydraulic plan presented and challenged in those very  
18       communities.

19              Now, since May the 24th there have been  
20       various further discussions with regard to site visits  
21       and satellite hearings, at least on two occasions in  
22       the Intervenor Funding and more recently on December  
23       the 3rd of 1990.

24              Notwithstanding those discussions, and I  
25       stand to be corrected, but I do not believe that these

1 issues have in fact been resolved. Moreover, it would  
2 appear at the very commencement of the hearing that it  
3 is an appropriate matter to be resolved now.

4 My submissions in this regard I will  
5 limit to the hydraulic plan.

6 It is respectfully submitted that the  
7 hydraulic plan ought to be presented in the North and  
8 my client, Moosonee, would be pleased to have it in  
9 Moosonee.

10 As a precursor to that event, prior to  
11 that hearing, prior to the hearing of any evidence by  
12 Ontario Hydro on the hydraulic plan, the panel should  
13 have the opportunity to tour and see on the ground, to  
14 see the natural environment and the communities which  
15 may be directly impacted by the hydraulic plan. To  
16 that end, Moosonee would specifically invite the panel  
17 to attend and would suggest a site visit in June of  
18 this year and we would be pleased to coordinate that  
19 with the panel's staff.

20 Following the site visit, it is  
21 respectfully submitted that the main evidence on the  
22 hydraulic plan by Ontario Hydro be presented in the  
23 north in order that there be meaningful opportunity for  
24 public participation. To do otherwise, to, for  
25 example, hold the hydraulic portion of the hearing in

1 Toronto, excludes from the hearing, firsthand, the  
2 individuals who will be most directly impacted by these  
3 proposals.

4 Mr. Chairman, it would be greatly  
5 appreciated if the panel could provide direction in  
6 that regard as soon as possible.

7 Thank you very kindly for your attention.

8 THE CHAIRMAN: Thank you, Mr. Taylor.

9 Mr. Rogers, Ontario Natural Gas

10 MR. ROGERS: Thank you, Mr. Chairman,  
11 members of the Board.

12 OPENING STATEMENT BY MR. ROGERS:

13 My name is Donald Rogers, and I will be  
14 making opening statements today on behalf of two  
15 participants in your hearing. My firm represents the  
16 North Channel Advocates, known as NCA, and also the  
17 Ontario Natural Gas Association, ONGA. My firm has  
18 been retained or been consulted by each to provide  
19 assistance in presenting their views to the Board, and  
20 while their positions are not incompatible, I  
21 anticipate that the interests may not always coincide  
22 perfectly, hence I have made arrangements for my  
23 partner, Ms. Diane McDowell, to represent the North  
24 Channel advocates in the Board's proceedings. However,  
25 in the interests of efficiency, I thought that I would

1 make opening statements on behalf of both today.

2 Henceforth, Ms. McDowell will represent the NCA.

3 From whom would you like to hear first?

4 THE CHAIRMAN: I will leave it up to you.

5 MR. ROGERS: Very well. Thank you. Let  
6 me start with the NCA.

7 As the Board will know, the acronym NCA  
8 stands for the North Channel Advocates. This is a  
9 group of a number of municipal organizations situated  
10 along the north shore of Lake Huron. The NCA,  
11 therefore, speaks as the representative of the duly  
12 elected local governments of a significant number of  
13 Ontario citizens who may be directly affected by the  
14 proposed plans of Ontario Hydro. As such, it has an  
15 obvious interest in Ontario Hydro's Demand/Supply Plan  
16 because that plan will affect the economic environment  
17 of northern Ontario, as well as the rest of the  
18 province.

19 Further, it has a more proximate interest  
20 because Ontario Hydro has identified the North Channel  
21 area as a potential site for a major generating  
22 facility.

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1                   Now the NCA recognizes that the  
2           industrial growth of the province has been inextricably  
3           bound up with Ontario Hydro's ability to provide  
4           reliable electric supply.

5                   It believes that the economic health of  
6           the province in the future must be protected by  
7           ensuring that Ontario Hydro is in a position to  
8           continue to provide reliable electrical supply to fuel  
9           economic growth and economic prosperity for our  
10          citizens.

11                  Economic prosperity depends upon an  
12          adequate supply of energy. And that in turn requires  
13          adequate growth of Hydro's system to ensure sufficient  
14          electrical supply. That has to be the primary concern  
15          of any agency charged with the responsibility of  
16          assessing Hydro's expansion plans.

17                  The NCA does not believe that we can  
18          gamble with the economic prosperity of the province by  
19          unduly suppressing the needed growth of Hydro's system.  
20          The NCA believes that the evidence will show that  
21          electricity demand over the period in question will be  
22          higher than that forecast by Ontario Hydro, and that  
23          planned additional generation will be urgently  
24          required. It fears that Ontario Hydro has  
25          underestimated demand and hence supply requirements, at

1       least in part, because of a subjective assessment of  
2       environmental concerns.

3               While those concerns are real and are  
4       shared by the NCA, their impact on future demand  
5       depends upon subjective analysis not supported in  
6       actual experience to date. The NCA believes, Mr.  
7       Chairman, that the cost of guessing wrong is too  
8       serious to run the risk.

9               The NCA recognizes that the construction  
10      of new facilities is costly, both directly and  
11      indirectly. But even more costly would be the failure  
12      to build facilities which are needed to meet economic  
13      growth.

14              The NCA understands that the location of  
15      new facilities will have a substantial impact on the  
16      area where those facilities are located. However, there  
17      are also substantial social and economic benefits  
18      derived from the construction of new facilities,  
19      providing adequate planning takes place.

20              The NCA will file evidence and will call  
21      witnesses to show that the North Channel area is  
22      eminently suitable for a location of a new major  
23      generating facility, and the NCA believes that locating  
24      such a facility in that area will result in substantial  
25      benefits to local residents and to the people of the

1 province as a whole.

2 Now the NCA appreciates that the Board  
3 does not wish to become embroiled in a site specific  
4 analysis, and the evidence to be led will deal with the  
5 broader economic issues.

6 Finally, the NCA has asked me to say  
7 something to you today about the procedures which have  
8 been adopted and those which are proposed for the  
9 hearing.

10 First, the NCA is composed of the elected  
11 local governments of a large number of individual  
12 citizens in Northern Ontario. It had been hoped that  
13 this hearing would be a forum which could receive and  
14 seriously consider the concerns and aspirations of  
15 those very individual citizens. The hearing is large,  
16 it is multipartied, and it is complex. However, the  
17 NCA hopes that as the hearing evolves, the Board will  
18 encourage and facilitate local input, both through its  
19 procedures and by conducting regional sittings. So,  
20 they add their voice to those who have preceded me  
21 about local sittings that were possible.

22 Secondly, members of the Board, the NCA  
23 has limited resources at its disposal, and it will have  
24 to ration those resources carefully in order to  
25 maximize its contribution to this hearing. This the

1 NCA will seek to do.

2 The Association is also very much aware  
3 of the Board's direction concerning the coordination of  
4 various parties, in order to reduce duplication and  
5 promote efficiency in the hearing process. This the  
6 NCA will attempt to do as well. Indeed the group has  
7 already made an effort to do that by coordinating with  
8 AMPCO concerning cross-examination of the Panel 1  
9 witnesses.

10 This is not necessarily the most  
11 effective way of advancing the particular interests of  
12 the NCA, but it will follow this approach where  
13 possible, either through AMPCO or some other willing  
14 intervenor, even though it may mean compromising some  
15 specific interests of the group.

16 The NCA asks the Board to be mindful of  
17 the problem which arises as the result of this  
18 approach. The contribution of a particular intervenor  
19 or party to the process may not always be readily  
20 visible to the Board in the hearing process.

21 If, for example, a question is posed or  
22 an issue conceived by one group or its advisors are  
23 presented in the public hearing through counsel for  
24 another, the Board may not appreciate the contribution  
25 or the involvement of the silent partner. And it would

1 be ironic indeed if those who cooperated most with the  
2 Board's directive by posing questions through others  
3 where possible, were in the end penalized when a  
4 determination of costs was considered at the end of the  
5 case.

6 Now it is pretty early in the day to be  
7 worrying about costs, but I have been asked to draw  
8 this to your attention, because the NCA will strive to  
9 make the best use of the resources available to it in  
10 advancing the legitimate interests of its constituents,  
11 and in doing that will cooperate fully with the Board's  
12 intention of reducing duplication.

13 In turn the NCA simply asks that the  
14 Board be mindful of the contribution that it may be  
15 making in ways other than consuming actual hearing time  
16 through its own counsel.

17 Thank you very much.

18 THE CHAIRMAN: Now you put on your...

19 MR. ROGERS: Now I put on my ONGA hat,  
20 and I think henceforth the NCA will be ably represented  
21 by Ms. McDowell.

22 If I just may speak to you a moment about  
23 the Ontario Natural Gas Association, and I will be  
24 brief.

25 The Ontario Natural Gas Association is an

1 industry association comprising over 300 company and  
2 individual members representing transmission and  
3 distribution companies, natural gas producers,  
4 equipment manufacturers and suppliers, professional  
5 organizations, contractors and individuals, all of whom  
6 serve Ontario's multi billion-dollar natural gas  
7 industry.

8 ONGA is the voice of the natural gas  
9 industry in Ontario and represents the industry's  
10 collective views in public forums. Over the past  
11 several years ONGA has been actively involved in the  
12 debate on Ontario's electrical Demand/Supply Options.  
13 The Association has made submissions to the government  
14 of Ontario, the Electrical Planning Advisory and the  
15 Ontario Select Committee on Energy.

16 The constituent members of ONGA represent  
17 all aspects of the natural gas, exploration,  
18 transmission and delivery system. They have combined  
19 to meet Ontario's natural gas needs for many decades.  
20 They have a direct and very substantial interest in  
21 ensuring that the energy needs of the citizens of  
22 Ontario continue to be met in the future.

23 Mr. Chairman, members of the Board, the  
24 members of this group are experienced. They are  
25 vitally interested, and they have an important

1 contribution to make to the process you are dealing  
2 with. And I hope that they will offer to you, in fact  
3 I know they will offer it to you, and I hope it will be  
4 of assistance, a valuable resource to the Board in  
5 coming to grips with Ontario Hydro's Demand/Supply  
6 Options.

7 As a major supplier of energy to Ontario,  
8 the natural gas industry is committed to conserving  
9 energy, to increasing energy efficiency, and to making  
10 the province's energy future as secure as possible.

11 ONGA believes that it is important for  
12 there to be a full understanding of the contribution  
13 that natural gas and proven natural gas technologies  
14 can make to Ontario's electrical supply security, to  
15 the provincial economy and to the quality of the  
16 environment. ONGA will encourage the Board to examine  
17 and confirm the role of natural gas in electricity  
18 Demand/Supply Planning.

19 Natural gas can help avoid potential near  
20 term electricity supply shortages. Further, the  
21 natural gas industry can make a positive contribution  
22 to meeting the province's electricity supply  
23 requirements over the longer term. It is submitted  
24 that one of the issues the Board will have to address  
25 in reviewing Ontario Hydro's proposals is the role to

1 be played by natural gas in meeting Hydro's short-term  
2 and long-term demand management and generating  
3 diversity objectives.

4 In assessing Ontario Hydro's proposals,  
5 the Board will be asked to consider the following  
6 fundamental questions or issues:

7 First, the positive contribution which  
8 natural gas and natural gas technologies can make to  
9 the achievement of environmental objectives. These are  
10 of increasing importance. The potential is  
11 significant.

12 Second, examination of the Hydro plan in  
13 terms of the role allocated to natural gas, and the  
14 assessment of natural gas options in the context of  
15 Hydro's primary planning criteria, including  
16 consideration of the role of natural gas in non-utility  
17 generation in direct use by Hydro, and in demand  
18 management.

19 Third, analysis of the role which natural  
20 gas can play in helping Ontario Hydro achieve its  
21 short-term objectives. Natural gas options have short  
22 lead times, and they are based on commercially proven  
23 technologies available in a wide range of generating  
24 capacities.

25 Fourth, examination of a role which

1 natural gas can play in helping Ontario Hydro achieve  
2 its longer-term objectives, including the advantages of  
3 diversifying the energy sources and technologies used  
4 in the production of electricity, thus helping to  
5 reduce the risks of electrical disruption.

6 And fifth, an analysis of Hydro's avoided  
7 costs and non-utility generation potential in  
8 economics.

9 Mr. Chairman, members of the Board, ONGA  
10 is listed as a part-time party to these proceedings,  
11 and indeed we will not be here on every day of the  
12 hearings. However, I want you to know that there is  
13 nothing part time or half measure about the commitment  
14 that ONGA's members have in meeting evolving energy  
15 demands in Ontario.

16 Accordingly, although the intervention in  
17 these proceedings has been characterized as part-time,  
18 I can assure the Board that the Association is an  
19 important full-time player in the existing energy  
20 network. And that it views these proceedings and the  
21 subject of these proceedings to be of utmost  
22 importance, both to its own interests and to those  
23 of the people of Ontario.

24 Accordingly, we want to make an important  
25 contribution to your proceedings, and we will do our

1       best to do that. Thank you, sir.

2                   THE CHAIRMAN: Thank you, Mr. Rogers.

3                   Ontario Public Health Association?

4       OPENING STATEMENT BY MR. M. CAMPBELL:

5                   Mr. Chairman, members of the Board, my  
6       name is Martin Campbell. I act for the Ontario Public  
7       Health Association and the International Institute of  
8       Concern for Public Health.

9                   Details about the Association and the  
10      Institute were filed in connection with our application  
11     for funding, and so I will not add anything to describe  
12     the activities of the Association and the Institute.

13                  I have also filed a written statement,  
14     and so in the interests of time I'm going to restrict  
15     my oral comments to three very general, and I trust  
16     very brief, points.

17                  First is a statement of principle. The  
18     Association and the Institute affirm that a human  
19     health effects assessment is an absolutely vital part  
20     of the overall environmental assessment process  
21     contemplated by the Environmental Assessment Act. The  
22     Association and the Institute's purpose will be to  
23     present a human health effects assessment to this  
24     Board.

25                  Second, the general comment on process;

1       the Association and the Institute are aware of and  
2       respect the role of the Board in assessing and  
3       balancing all aspects of the plan, and to make policy  
4       decisions in the interests of all of the people of  
5       Ontario, wherever they are located, whatever their  
6       background.

7                     Our intention is to provide the Board  
8       with the best and most complete factual information,  
9       medical and other opinion, on human health affects to  
10      assist the Board in finding this right balance and  
11      making the best policy decision.

12                    And third, my last remark, on the  
13      approach. The Association and the Institute are aware  
14      of the many areas of uncertainty, both in Hydro's plan,  
15      and indeed, you will be the first to admit, in  
16      estimating human health effects and their costs. And a  
17      range of uncertainty cannot be avoided, particularly as  
18      many of these issues are essentially policy issues, and  
19      they are not verifiable the way one can verify certain  
20      types of facts.

21                    However, in the face of this uncertainty,  
22      the Association and the Institute will urge the Board  
23      to be extremely cautious in assessing the plan and  
24      making policy choices.

25                    I can sum this up by saying, with a great

1 deal of imprecision at this stage, a lack of electrical  
2 energy can be remedied in a few years. But a failure  
3 to identify a human health hazard may have adverse  
4 health effects lasting much, much longer. So in the  
5 face of uncertainty, we urge the Board to put as its  
6 best policy, err on the side of caution.

7 Thank you Mr. Chairman, members of the  
8 Board.

9 THE CHAIRMAN: Thank you, Mr. Campbell.

10 The Consumers Association?

11 OPENING STATEMENT BY MR. ROSENBERG:

12 Thank you, Mr. Chairman, Members of the  
13 Panel. My name is Rosenberg, Ken Rosenberg. I'm  
14 counsel for the Consumers Association of Canada.

15 We have filed a written submission, and I  
16 expect you have that in front of you, so I will not  
17 read it. But what I hope to do is take a few minutes  
18 and just highlight the concerns of the Consumers  
19 Association.

20 It is obvious that there are many players  
21 in this hearing, and how we can articulate ourselves as  
22 a unique player will be the test for the Consumers  
23 Association.

24 Through our written submission, we expect  
25 you will be able to determine who we are and how we got

1 here and what issues we feel are important, ultimately  
2 the issues we hope over the next two years to explore.

3 But fundamental to our position is this.  
4 That we are all residential consumers. Most of the  
5 people in this room are residential consumers of  
6 electricity. There are exceptions which actually prove  
7 the rule, but the fact is most of us here are  
8 residential consumers. And how does this plan affect  
9 us and how can we affect change in the plan? And that  
10 is the role of the Consumers Association.

11 Now the Consumers Association itself, as  
12 we have said in the prefilled material, is an  
13 organization composed of 120,000 members, 57,000 of  
14 which are here in Ontario. They articulate their  
15 concerns in terms of rights, something lawyers are very  
16 familiar with, and these articulated rights are on page  
17 2 of our opening statement.

18 In the essence of these rights are the  
19 right to basic goods and services essential for  
20 survival; the right too safety from hazards to life and  
21 health; the right to a healthy environment; the right  
22 to information and education; the right to choice; and  
23 the right to be heard.

24 Through this body of identifiable rights,  
25 the CAC Ontario hopes to bring its unique perspective

1 to this hearing. We have cited some passages to why we  
2 think we should participate and why it is not only  
3 appropriate but highly desirable.

4 Getting down to the issues of the plan,  
5 and the CAC's role, as we have said in our submissions,  
6 we intend to participate in only half of the issues.  
7 It is a supply and demand plan. We have articulated in  
8 the first few pages the supply issues, but it is the  
9 demand issues which are of special importance to this  
10 organization. We expect to participate fully in panels  
11 1 through 4, 9, 10 and 11. We are, of course,  
12 interested in supply issues, but we expect through the  
13 many intervenors that are before you, those issues will  
14 be fully examined.

15 So, looking at the demand issues in  
16 simplicity, the Consumers Association believes, and  
17 through this hearing hopes to not only explicate but  
18 explain its position, that through demand management,  
19 and in particular through demand management efforts  
20 aimed at the residential consumer, tremendous gains can  
21 be made in conservation.

22 The residential consumer is about a  
23 third, or consumes about a third of the power generated  
24 in this province, and we expect that there is an  
25 enormous reservoir or reserve demand management

1       potential.

2                       But these are big words and big issues,  
3       and I'm sure you will hear throughout this hearing many  
4       explanations about load forecasting and the numbers and  
5       economics and so on. Where the Consumers Association  
6       hopes to play an important role is to bring these macro  
7       issues down to a human level. What does conservation  
8       mean? What does efficiency mean?

9                       If you turn to page 8 of my submission,  
10       you will see that we have divided our presentation into  
11       two basic parts, non-price issues and price issues.  
12       And in particular it is the non-price issues that we  
13       think will stand out as the Consumers Association's  
14       contribution to this hearing. The price issues, of  
15       course, are important, but many other intervenors will  
16       be dealing with those as well.

17                      Now on page 8 we talk about efficiency  
18       and conservation. Just to set the scene, the Consumers  
19       Association looks at the residential consumer in a  
20       structured way and says, "What is it in terms of energy  
21       consumption?" And through this hearing you will be  
22       hearing from us about the 22 or 23 basic end-uses to  
23       which residential consumers use electricity. Their  
24       appliances, their fridges, their stoves, their air  
25       conditioners, their heaters. That is what makes up the

1       profile of residential consumers.

2                       We bring it back to the issue now of  
3       efficiency. One of the first points we will be dealing  
4       with is the encouragement of the development of  
5       increasingly efficient electricity-dependent  
6       technologies. We are going to be talking about those  
7       as alternatives to the plan. How can we use the  
8       existing electricity more efficiently?

9                       A second issue that we are going to  
10      examine is load shifting, which is the issue related to  
11      when we use our power. We are all familiar with going  
12      home at 6:00 o'clock at night on the coldest day of the  
13      year, the stove is going, the fridge is going, the  
14      dishwasher is on, and we are asking the question, and  
15      will be throughout the hearing, what if we had more  
16      meters? What if there was a two metering system in  
17      this province, so that energy consumption did not have  
18      a flat price to the end-use consumer, to the  
19      residential consumer. What if you paid less to run  
20      your stove or your fridge or your dishwasher at three  
21      in the morning? There are many European examples of  
22      where double metering exists, so there are two prices  
23      for the residential consumer.

24                      Finally, on the efficiency issue, we also  
25      would like to explore the issue of load shedding. That

1 is taking people off electricity. And once again, to  
2 bring it to the human level, to you and to I, how we  
3 run our individual households, at page 10 of the  
4 submission we quote a passage from an Ontario Energy  
5 Board hearing in January of 1991.

6 It is in part C under "Load Shedding and  
7 the Residential Consumer." In an Ontario Energy Board  
8 hearing in January of 1991, a Consumers Gas official  
9 testified that:

10 "For a consumer using heating and  
11 requiring 2895 cubic metres per year of  
12 natural gas, the cost for that natural  
13 gas would \$540."

14 The question is, as a consumer, bringing  
15 this to a human level, what would be the equivalent  
16 cost for oil, electricity and propane?

17 Well the equivalent cost to heat the home  
18 with oil would be \$1,157, and to heat it by electricity  
19 would be \$1,267, and for propane, \$1800.

20 So once again, to bring it to a human  
21 level, what the price we pay is, gas is approximately  
22 40 to 45 per cent of the cost of heating your home  
23 through electricity. So the question becomes should  
24 Hydro continue to promote electricity to heat homes, to  
25 heat your water and for other end-uses?

Finally, dealing with price issues, there are two price issues which CAC will be advancing. One is the cost issue. Hydro's mandate is to deliver power at cost, and there will be endless discussion about what that cost should be, but the core of the CAC's position is that the price issue goes beyond the issue of what the real cost of power is and asks, if the real cost of power is greater than the accounting cost on which Hydro has based its calculations, what would the affect be in terms of demand management of setting the rate charged for power at some level closer to full cost? We will hear about full-cost accounting from many intervenors, and we will be relying upon their submissions, their cross-examinations and their evidence. But for the Consumers Association, based on those fundamental rights, the right to know and the right to be heard, a full exploration, full cost pricing is required, in order to truly understand the issues, and the CAC will also be advancing the issue of what if you were to price power beyond cost as an alternative to this plan.

1                   Clearly, introductory economics would  
2           tell you the more something costs the less you will  
3           use. We understand what the Power Act says, but we  
4           would like to explore that whole issue of pricing power  
5           beyond the cost, basically cost plus approach.

6                   And the second rate issue on price is  
7           rate structures, and we will be examining the whole  
8           issue of how the bill is divvied up. Hydro divides its  
9           consumption profile into industrial, commercial, and  
10          residential. Consumers, they are not treated equally,  
11          and the CAC will be looking at the impact of rate  
12          structures on the demand for power in this province.

13                   So finally I close by saying the CAC  
14          hopes to play an active role in certain parts of this  
15          hearing. We will not be here all the time. We expect  
16          that the panels of most interest to us will be Panel 4  
17          which is the demand management panel and in the  
18          integration of supply and demand issues.

19                   And we hope at the end of the day to  
20          fully participate in final argument. Thank you very  
21          much.

22                   THE CHAIRMAN: Thank you, Mr. Rosenberg.

23                   I think we will now take our afternoon  
24          break. Before doing that, would you just stay in your  
25          places for a moment because the executive co-ordinator,

1 Ms. Morrison, has something she wants to say to you.

2 But we are just about to leave so she can be free to  
3 say what she likes. (Laughter)

4 ---Recess at 3:25 p.m.

5 ---On resuming at 3:45 p.m.

6 THE REGISTRAR: Please come to order.

7 This hearing is again in session.

8 THE CHAIRMAN: The Green Party.

9 MR. HARRIS: Thank you. Jim Harris from  
10 the Ontario Green Party.

11 OPENING STATEMENT BY MR. HARRIS:

12 In the normal course of events, a species  
13 disappears from earth once every 2,000 years.  
14 Currently, species are becoming extinct at a rate of  
15 one every 25 minutes. One every 25 minutes. This is  
16 42 million times faster than normal.

17 Scientists at Harvard tell us that if  
18 this does not change, 10 per cent of the remaining  
19 species will become extinct by 2000. And in just one  
20 hundred years' time, there will not be anything alive  
21 on this earth, including ourselves.

22 A species is a once-in-a-universe event.  
23 It is a miracle of creation. It is something never to  
24 be repeated in the history of time. Extinction is a  
25 difficult concept to grasp. It is an eternal concept.

1       It is not like killing an individual life form that can  
2       be replaced through the cycle of reproduction. It  
3       can't be remedied. There is no substitute. It affects  
4       all future generations, and no power in heaven or on  
5       earth can reverse species extinction.

6               The tragedy is that we in just a matter  
7       of centuries and more specifically decades are  
8       destroying what has literally taken five billion years  
9       of earth history to blossom. And at the heart of this  
10      destruction is our consumerism.

11             I am not an economist or a load  
12      forecasting expert, but I realize that our economic  
13      model is based on continuous growth; and if our economy  
14      grows by 6 per cent every year for a decade, over the  
15      course of ten years we will consume twice as much of  
16      everything, twice as many cars, twice as many widgets,  
17      twice as much hair tonic.

18             There are two serious problems with this.  
19      First, we are rapidly using non-renewable resources in  
20      the production of these materials; and, secondly, their  
21      very production creates wasteful byproducts which  
22      threaten life on earth. North America perhaps  
23      epitomizes consumerism to the nth degree and at the  
24      heart of this consumerism is our excessive use of  
25      energy.

1                   In North America we use more energy per  
2                   person than any other country in the world; and Ontario  
3                   Hydro proposes to build ten to fifteen new nuclear  
4                   reactors and increase our energy intensity even greater  
5                   than it is now.

6                   All the forms of energy production  
7                   proposed by Hydro have very serious negative  
8                   consequences. Radiation is a toxin, perhaps the most  
9                   toxin known to humanity, and the radiation threats to  
10                  our biosphere are very severe. People don't want more  
11                  nuclear power. Chernobyl and Three Mile Island have  
12                  proven that to us. The majority of people in Ontario  
13                  do not want more nuclear power.

14                  Burning fossil fuel emits CO(2) which is  
15                  the cause of global warming. We are taking plant life  
16                  which takes carbon dioxide out of the atmosphere and  
17                  has been compressed over millions of years and turned  
18                  into gas. It was that very process of taking it out of  
19                  the atmosphere that allowed life on earth to blossom as  
20                  it has. And by burning fossil fuel, we are rapidly  
21                  re-injecting into our atmosphere that carbon dioxide  
22                  that was taken out 2- to 300 million years ago that  
23                  allowed life to evolve as we know it now.

24                  By burning coal, we put SO(2) into the  
25                  air; and as we all know that causes acid rain.

1                   And finally with water systems. By  
2           damming them for hydroelectric power, we forever damage  
3           fragile ecosystems. All the forms of power generation  
4           that Hydro proposes have very deleterious, very  
5           negative, very serious consequences for our  
6           environment. The only one that doesn't have very  
7           damaging effects is conservation and this has very  
8           little to do with Hydro's plan.

9                   Literally this has become a life and  
10          death issue. Amory Lovins in the States shows how we  
11          can do everything we do currently using only  
12          one-quarter of the energy. Amory Lovins was only  
13          recently brought up to Ontario Hydro at Hydro's expense  
14          to talk to people there. He has been preaching energy  
15          efficiency for twenty years and Hydro has not chosen to  
16          listen to him.

17                   The Advanced House right here in Toronto  
18          shows how a house built with energy efficiency in mind  
19          can operate using only one-quarter of the energy of a  
20          conventionally-built home and only 44 per cent of the  
21          energy of an R-2000 home. The technology is here.  
22          Hydro in fact was the sponsor of that program.

23                   I have heard a lot about the economy.  
24          Our economists perhaps have a pathological bent for  
25          seeing economic growth and blinkers about seeing what

1 we are doing in terms of our world. Perhaps we need a  
2 new form to measure things. We need to look at growth  
3 earth product because the growth earth product is  
4 rapidly being depleted for the sake of rises in gross  
5 domestic product.

6 Looking at the bottom line is not good  
7 enough because our GDP grows and is spurred more than  
8 by any other event than war. Oil spills and disasters  
9 are fantastic for economic growth. And, in fact, if we  
10 were in Germany right now, we could not say we would  
11 want growth at any cost. During the war, the  
12 production of gas for the gas chambers. We have to  
13 look at the effects of our economic activity as opposed  
14 to saying economic activity for its own sake is  
15 inherently good.

16 The human community and the natural world  
17 will go into the future as a single sacred community or  
18 we will both perish in the desert.

19 We are bringing about the extinction of  
20 life on such a vast scale it is staggering. It's a  
21 crime against creation. It is a crime against future  
22 generations. We are destroying in just a matter of  
23 decades what has taken billions of years to create.

24 Chief Seattle in 1855 wrote to the  
25 American president at the time saying:

1                    "How can one buy or sell the air, the  
2                    warmth of the land? We are part of the  
3                    earth and the earth is part of us. We  
4                    know that the white man does not  
5                    understand our way of life. To him one  
6                    piece of land is much the same as  
7                    another. He is a stranger who comes in  
8                    the night and takes from the land  
9                    whatever he needs. The earth is not his  
10                   friend but his enemy and when he has  
11                   conquered it he moves on. He cares  
12                   nothing for the land. He kidnaps the  
13                   earth from his children. He treats his  
14                   Mother, the Earth, and his Brother, the  
15                   Sky, like merchandise. In his hunger he  
16                   will eat the earth and leave it bare.  
17                   Only a desert."

18                   What are humans without animals? If all  
19                   the animals cease to exist, the human would die of a  
20                   great loneliness of spirit. For whatever happens to  
21                   the animals will soon also happen to human beings.  
22                   Continue to soil your bed at night and one day you will  
23                   suffocate in your own waste.

24                   Human kind has not woven the web of life.  
25                   We are but one thread within it. Whatever we do to the

1 web we do to ourselves. All things are bound together.  
2 All things connect. Whatever befalls the earth also  
3 befalls the children of the earth.

4 Who at these hearings is speaking for the  
5 species which have become extinct because of our way of  
6 life, for the species which are soon to become extinct,  
7 or for future generations of humans who are not yet  
8 born? For we do not inherit the earth; we borrow it  
9 from our children.

10 We who in the northern hemisphere consume  
11 more energy than any other people in the world must  
12 serve as an example to Third World and developing  
13 nations, for if we at this juncture in our history  
14 decide we need more energy, how can we convince the  
15 billions in China that they should not live at our  
16 standard of living and build more coal plants? How can  
17 we convince the masses in India that they do not need  
18 to follow our lifestyles? No, we must take a  
19 leadership role and drastically reduce the amount of  
20 energy we use.

21 I would like to comment on the issue of  
22 authority. Who has the authority to make these  
23 decisions about what pattern we are going to follow in  
24 terms of our energy intensity? Is it governments? Is  
25 it corporations? Is it AMPCO? No, the ultimate

1 authority derives from earth itself, and earth is  
2 telling us in very clear terms it cannot cope with our  
3 current lifestyle.

4 The species extinction is a testament in  
5 fact to that. There is a beautiful Indian saying that  
6 "When you have caught the last fish and cut down the  
7 last tree, it is only then that you will realize you  
8 cannot eat all the gold you have in the bank."

9 Finally on the effect. We are not  
10 talking just about something which affects Ontario.  
11 CO(2) production from fossil fuel burning is a global  
12 issue. SO(2) production from burning coal is a global  
13 issue. The radiation danger at Chernobyl, Three Mile  
14 Island, or Ontario Hydro's plants pose is a global  
15 issue. And finally species extinction due to habitat  
16 destruction from flooding is a global issue because  
17 each species that dies diminishes all of creation and  
18 diminishes all of us.

19 So you as a panel have a very onerous  
20 responsibility because you are not just deciding here  
21 for Ontario what to do because we will set the trend  
22 for other countries in the developing world. You are  
23 making decisions which will in fact affect the whole  
24 world.

25 As Greens we would call for three things:

1       one, an immediate ban on all new nuclear reactors. As  
2       radiation is one of the most toxic poisons known to  
3       humanity, highly radioactive waste will remain  
4       radioactive for thousands of years; many generations  
5       more than the Indian's seven generations into the  
6       future.

7               Secondly, make the goal of energy  
8       conservation the overriding priority of Ontario Hydro  
9       so that no new power production is brought on stream  
10      and that we reduce our energy consumption as old power  
11      supply is phased out.

12              And finally, look at the pay-back issue.  
13      Ontario Hydro is very willing to go out and build  
14      \$200-billion, which by the way is a hundred thousand  
15      for every family in Ontario, of new energy supply and  
16      have a pay-back period of forty years.

17              But for conservation, if I want to  
18      conserve and be a responsible citizen, I have to go out  
19      and buy conservation on my own. And most businesses  
20      and individuals have a short pay-back period:  
21      businesses typically four years; some only look quarter  
22      to quarter. So we can see that supply, new supply is  
23      favoured ten times over conservation if you have a  
24      four-year pay-pack period for conservation.

25              Ontario Hydro should become a leasing

1 authority. They should sell not power but energy  
2 efficiency and charge it back to its customers the same  
3 way it does building new supply over a 40-year period.  
4 Or, measure its nuclear construction program on a  
5 four-year pay-back period. Whichever way you do it,  
6 let's have a level playing field. And at four-year  
7 pay-back, there is no way we are going to have any  
8 nuclear and at a 40-year pay-back we are going to have  
9 a lot of conservation.

10 Thank you very much.

11 THE CHAIRMAN: Thank you, Mr. Harris.

12 Ms. Couban, Government of Ontario.

13 MS. COUBAN: Thank you, Mr. Chairman,  
14 members of the panel.

15 OPENING STATEMENT BY MS. COUBAN:

16 My name is Couban, C-o-u-b-a-n, initial  
17 S. And I would like to begin my remarks by clarifying  
18 who I, and my colleague, Mr. Patrick Moran, represent  
19 at these hearings as this appears to be a matter of  
20 some interest and concern to a number of parties and  
21 perhaps even the Board.

22 Mr. Moran and I are Crown counsel  
23 employed by the Ministry of the Attorney General. Our  
24 clients are those agencies who contributed to the  
25 government review and, in addition, the Ministry of

1 Culture and Communications. We do not, however,  
2 represent the Federal Ministry of the Environment, even  
3 though they did contribute to the government review.

4 All the agencies that we represent have  
5 in common the fact that they are ultimately responsible  
6 to the provincial cabinet. The agencies which we  
7 represent are obviously numerous and varied. Each  
8 agency has its own mandate and its own view on various  
9 issues.

10 Mr. Moran and I will represent all these  
11 agencies to the extent that their differing views are  
12 compatible. There may arise occasions when it will be  
13 necessary to have different counsel brought in to  
14 represent a particular agency. Such an occasion may  
15 arise if to represent two or more agencies would put  
16 Mr. Moran and I in a conflict of interest situation.

17 Another occasion where separate counsel  
18 may be brought in is if it is more efficient and  
19 productive to have separate counsel deal with separate  
20 issues, particular issues.

21 In the situation where the views of one  
22 or more agencies are incompatible with those of another  
23 government agency, government counsel will not promote  
24 one view over another. Rather, the two views will be  
25 presented for the Board's consideration. Of course it

1 is fully expected that the parties will cross-examine  
2 the agencies on their different policies and may  
3 ultimately promote one policy over another to the  
4 Board.

5 The provincial government believes this  
6 model is an appropriate means for government  
7 representation at this hearing. It is a means that  
8 allows the various agencies to be kept apprised of  
9 issues at the hearing and allows two counsel to  
10 represent most, if not all, government agency views  
11 without the necessity of having twenty or so government  
12 counsel in attendance at the hearing on a regular  
13 basis.

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1 I would briefly like to outline the  
2 relationship that exists between Ontario Hydro and the  
3 government. This matter will undoubtedly be an issue  
4 that will be expanded upon in the hearings, but I would  
5 like to say a few words about it at this time.

6 The provincial government provides a  
7 broad policy framework within which Ontario Hydro plans  
8 development to the electricity system for the province.  
9 Ontario Hydro is responsible for operating the system  
10 and ensuring that it meets all legislative and  
11 regulatory requirements.

12 In carrying out its activities, the  
13 Ontario Hydro Board of Directors is required to use its  
14 best efforts to ensure that the exercise of a power or  
15 duty broadly conforms to any government policy  
16 statement. The Board of Directors is required to  
17 report to the Minister whenever it exercises a power or  
18 duty that relates to a policy statement.

19 In this regard, for example, the Chairman  
20 of Ontario Hydro's Board of Directors wrote to the  
21 Ministry of Energy advising them of the redirection of  
22 the \$240-million for nuclear programs to conservation  
23 programs. That has already been entered as an exhibit  
24 by Ontario Hydro on a motion brought by the Coalition  
25 and NAN and Grand Council Treaty No. 3 with respect to

1       the Manitoba transmission line.

2                   In terms of the role of the government  
3       review and why the DSP hearing was set up, the Ministry  
4       of Energy announced on November 6th, 1989, that the  
5       review of Ontario Hydro's DSP should be carried out  
6       under the Environmental Assessment Act and that there  
7       should be a hearing by the Environmental Assessment  
8       Board. In making that announcement, the Minister of  
9       Energy noted the government's interest and public  
10      participation and thoughtful analysis on the plan.

11                  The environmental assessment of Ontario  
12      Hydro was submitted to the Ontario Ministry of  
13      Environment on December 19th, 1989. The government  
14      review was prepared pursuant to Section 7 of the  
15      Environmental Assessment Act and was completed in June  
16      of 1990.

17                  Since the November 6th, 1989 announcement  
18      of the Ministry of Energy, the new provincial  
19      government has endorsed the continuation of the DSP  
20      hearings before this panel. In a speech to the  
21      Legislature on November 28th, 1990, the Minister of  
22      Energy, the Honorable Jenny Carter noted:

23                         "The Environmental Assessment Board  
24                                 hearings on Hydro's plan will continue in  
25                                 order to allow public input and to assess

1 environmental and financial costs of all  
2 major future supply and demand."

3 In the throne speech the new government  
4 expressed similar sentiments by stating:

5 "The Environmental Assessment Board  
6 hearings on Ontario Hydro's 25-year  
7 Demand and Supply Plan will continue."

8 Since the government review was released  
9 in June of 1990, we in Ontario have a new provincial  
10 government and a number of new government policies and  
11 directions. The government announced a new energy  
12 directions policy for the province. The new energy  
13 directions are intended to reduce environmental  
14 impacts, enhance efficiency and energy use and  
15 strengthen the economy. In addition, the policy  
16 commits to ensuring that energy supplies for the future  
17 are secure and reliable.

18 The government has proposed a moratorium  
19 on the development of new nuclear power stations and is  
20 taking action to ensure that more is done to improve  
21 the efficiency of energy and electrical use across all  
22 sectors of the economy, to develop more renewable and  
23 small scale sources of energy, to give priority to the  
24 early assessment of hydroelectric projects and to  
25 secure greater involvement of northern and native

1 people from Ontario Hydro's ongoing and proposed  
2 northern projects and activities. For example, one  
3 mechanism in place that will hopefully assist in this  
4 last objective is a tripartite agreement with the  
5 provincial government, the federal government and NAN  
6 which was signed on November 23rd, 1990, and came into  
7 effect in February of this year.

8 The government has also given specific  
9 direction to Ontario Hydro to accelerate targets and  
10 efforts on demand management, energy conservation and  
11 parallel power generation, to suspend all activities  
12 and spending on the proposed new Candu "A" station and  
13 redirect the related \$240-million planned for  
14 pre-engineering and site studies for this project to  
15 conservation programs, and further, to maintain an  
16 active program of work in combination with the  
17 appropriate federal agencies when necessary to improve  
18 performance and safety at existing nuclear stations and  
19 develop acceptable methods of nuclear waste disposal.

20 Another new government policy that  
21 affects matters before this Board is the government's  
22 new social housing policy. I have the statement of the  
23 Minister of Energy announcing that new policy dated  
24 March 12th, 1991 that I will provide to the clerk at  
25 the end of my comments.

1                   In this new policy the government  
2       restricts the use of electric space and water-heating  
3       in new non-profit housing developments in the province  
4       and announces that new non-profit housing will be  
5       heated by natural gas. These are the newest government  
6       policies that affect the issues before this Board.

7                   The business of the government which  
8       includes the development of policies will continue  
9       while this hearing is underway.

10                  Policy initiatives are underway, for  
11       example, in regards to global warming and wider  
12       regulation under the Energy Efficiency Act. We will  
13       undertake to keep the Board and parties apprised of  
14       government policies and activities as they take place  
15       and as they affect the matters under consideration by  
16       this Board.

17                  I would like to move on to the  
18       government's position with respect to the approval  
19       Ontario Hydro has requested in respect of the proposed  
20       Moose River Basin hydraulic program.

21                  Ontario Hydro has proposed a cumulative  
22       effects assessment of its program for hydraulic  
23       development in the Moose River Basin and has stated  
24       that it intends to rely upon this cumulative effects  
25       assessment at the Abitibi Complex site-specific

1 environmental assessment.

2 Ontario Hydro has submitted its  
3 environmental assessment of the Mattagami proposals.

4 The environmental assessments to be  
5 submitted for the additional Moose River Basin  
6 developments will be restricted to hydraulic options in  
7 the Basin, and will include an examination of the  
8 advantages and disadvantages of alternative development  
9 programs for Ontario Hydro development of hydraulic  
10 potential in the Basin, supported by the cumulative  
11 effects assessment.

12 Ontario Hydro has stated that the  
13 cumulative effects assessment will be an integral part  
14 of the assessment process and will be an ongoing  
15 scientific study; that is, a living document updated on  
16 an ongoing basis and submitted for review in its then  
17 current form with each subsequent project approval  
18 request.

19 Ontario Hydro recognizes that in the  
20 course of each project approval process the results of  
21 the cumulative effects assessment study must be  
22 acceptable in order for approval to be given.

23 This Board has made certain statements  
24 about its view of how the line between site-specific  
25 information and general planning issues with respect to

1 the hydraulic component of the DSP should be drawn.  
2 The Board's views are perhaps most clearly set out in  
3 its ruling and reasons on the Moosonee Area Development  
4 Board motion, particularly in items 2 and 3 on page 3  
5 of that Decision.

6 The government appreciates and accepts  
7 that the Board is concerned that there has to be a  
8 credible forum for all issues with respect to hydraulic  
9 development to be debated, that issues cannot be  
10 allowed to fall between the cracks between the DSP  
11 hearing and project-specific EA's. At the same time  
12 the government is concerned that the DSP hearings  
13 proceed in a timely and efficient manner and that these  
14 hearings be a forum for a full and frank public debate  
15 on all energy supply and demand management options at a  
16 planning level.

17 The introduction of too great a level of  
18 detail of information with respect to site-specific  
19 issues may lengthen the DSP hearings and cloud the  
20 central focus of these hearings which is intended to be  
21 on plan level issues.

22 As a result of the various concerns that  
23 the government has with respect to this matter, it  
24 fully intends to assist the Board in drawing the lines  
25 between the site-specific and plan level information.

1                   In conclusion, and ultimately, this  
2           government is interested in ensuring that there is a  
3           full public debate on all energy supply and demand  
4           options. The government expects that this hearing will  
5           involve a full debate on the pros and cons of not only  
6           fossil fuel, nuclear and hydraulic issues, but also a  
7           full examination of the other elements that are  
8           required for proper planning, and those are demand  
9           management, non-utility generation, rehabilitation and  
10          other alternative technologies.

11                   The government looks forward to what it  
12          expects will be an interesting and challenging hearing.

13                   Thank you. Those are my comments.

14                   THE CHAIRMAN: Thank you.

15                   Ontario Federation of Agriculture.

16                   MR. THOMPSON: Good afternoon.

17          OPENING STATEMENT BY MR. THOMPSON:

18                   My name is Steven Thompson and I  
19          represent the Ontario Federation of Agriculture, the  
20          largest general farm organization in Ontario with over  
21          20,000 farmer members from all agricultural areas of  
22          Ontario. Briefly, I would like to outline why we are  
23          here and what we hope to do.

24                   As a background, I personally was one of  
25          about 1200 landowners who formed a group to participate

1 in a 130-plus day Joint Board hearing in 1985/86  
2 involving an expansion of transmissions lines out of  
3 the Bruce Nuclear Power Development. Another farmer  
4 and I represented our group at that hearing where we  
5 were one of the major intervenors. Based on our  
6 experience at that hearing, I was retained by the OFA  
7 for this hearing.

8 Agriculture has had a long involvement  
9 with Ontario Hydro and it has been generally both  
10 positive and constructive.

11 Understandably, the placing of  
12 transmission lines, transformer stations and even  
13 generating stations on agricultural land can and does  
14 cause concern in the farm community. Thus, the  
15 potential for development is an issue for us.

16 Secondly, agriculture as an industry  
17 needs and uses electricity to remain competitive both  
18 domestically and internationally, and for us, with the  
19 exception of my old order Amish neighbours who don't  
20 use electricity, reliable supplies of electricity at  
21 competitive prices continues to be of concern to us.

22 Thirdly, the mix of generation  
23 alternatives is of interest to us. We, in the farm  
24 community, have to weigh the chronic problems of acid  
25 gas emissions from fossil fuel against the potentially

1 catastrophic problems of nuclear generation in the farm  
2 community, where not just animal and plant health is of  
3 concern, but also there is concern about human health  
4 effects as well.

5 Furthermore, we hope to be able to assist  
6 other agricultural interests prepare and present  
7 relevant points of view.

8 One of the things I hope our  
9 participation at this hearing will give us, five, ten  
10 or maybe even fifteen years from now down the road, if  
11 Hydro decides as a result of this hearing to construct  
12 a facility potentially affecting agricultural lands, is  
13 the ability for us to say we were at the hearing that  
14 looked at all the alternatives, we said everything we  
15 wanted to say, we asked all the questions we wanted,  
16 and we have not been left out of the process. We feel  
17 that our interests have been looked after.

18 Our interests here also include  
19 exploring demand management options including on-farm  
20 demand management because if less new generation and  
21 large transmission facilities are needed, there should  
22 be, therefore, less disruptive effect on farm  
23 operations.

24 As an industry, we feel responsible for  
25 shouldering some of the burden for providing additional

1 power. If more electricity supply is needed, we  
2 encourage utilization of alternative sources, including  
3 on-farm generation, including the use of biomass and  
4 energy from methane gas produced by livestock.  
5 Energy-from-waste is an idea we encourage because both  
6 landfill sites and generating stations often impact on  
7 farm land and any system which reduces that combined  
8 demand is of interest to us.

9 Thus, we intend working closely with the  
10 Independent Power Producers and the Coalition of  
11 Environmental Groups to look at the above and other  
12 issues of mutual interest by way of joint witnesses as  
13 an example. We think that approach will benefit us all  
14 here at the hearing.

15 We hope to be able to keep the Board  
16 aware that agricultural concerns should be considered  
17 no less important than any other concerns raised in  
18 this hearing.

19 Our concerns and feelings about our land  
20 and our ties to our land are, based on what we heard at  
21 the 1985 hearing, very real, very strong, and all  
22 important to us. The farm community has itself often  
23 felt disadvantaged in hosting projects which will  
24 benefit the cities far more than farms and thus views  
25 with some concern any project or concept which would

1       continue this perceived imbalanced.

2               There may be issues which we could call  
3       evidence on but likely won't because we exhausted these  
4       issues at the 1985/86 hearing. This would include the  
5       effect of new transmission lines on agriculture. Just  
6       because we don't anticipate calling evidence here,  
7       doesn't mean the subject isn't important and of concern  
8       to us, but we have been through it all before and don't  
9       feel at this time we need to do it again.

10              Finally, we hope to be able to remind  
11       the Board when, and if appropriate, that we too are  
12       real people with real concerns about the impacts on our  
13       farms and way of life.  
14       Therefore, in this way we think that we will be  
15       responsible to our members, to the Board and all the  
16       other parties at the hearing. Thank you.

17              THE CHAIRMAN: Thank you, Mr. Thompson.

18              Canadian Petroleum Association?

19              Yes, Ms. Marlatt?

20              MS. MARLATT: I just wanted to alert the  
21       Board that Chief Assinewai is here for the UCCM.

22              THE CHAIRMAN: He is here now, is he?

23              MS. MARLATT: Yes.

24              THE CHAIRMAN: Perhaps we should deal  
25       then with him. Is he ready to proceed?

1 MS. MARLATT: Yes. Thank you.

2 CHIEF ASSINEWAI: Good afternoon, Mr.  
3 Chairman and panel.

4 OPENING STATEMENT BY CHIEF ASSINEWAI:

5 My name is Chief Max Assinewai, I am from  
6 the United Chiefs and Councils of Manitoulin. I am  
7 Chief of one of the communities on the Island,  
8 Sheguiandah First Nation.

9 The UCCM is composed of five First  
10 Nations, Whitefish River First Nation, Sheshewaning  
11 First Nation, West Bay First Nation, Ojibways of Sucker  
12 Creek and West Bay First Nation, along with ours,  
13 Sheguiandah First Nation. It is our intention, along  
14 with North Shore Tribal Council and with the Union of  
15 Ontario Indians, that I requested that I be given some  
16 time to address the panel.

17 One of the things maybe I guess to start  
18 off, I flew in late, I apologize for that to the panel.  
19 My luggage has been lost, along with a few other  
20 things, anyway I will try and do my best to recoup some  
21 of the things that we had documented in our  
22 presentation.

23 One of the things I would like to  
24 address is the historical importance of Manitoulin  
25 Island, as you previously heard from other speakers.

1       Manitoulin Island being significant between the  
2       Ojibway, the Odawa and the Pottawatami people.

3               At one time in this government's history,  
4       the federals and provincials, Manitoulin Island was  
5       designated as reserve land before it was ceded in 1850  
6       when Sir Francis Bondhead opened it up to people to  
7       settle on, which brings us up to the vast richness of  
8       culture and historical spiritual importance that has  
9       ties with the other First Nations along North Shore,  
10      into Michigan, Wisconsin, Minnesota, Manitoba and  
11      southern Ontario and parts of Quebec.

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1                   Manitoulin Island was considered a  
2                   meeting place of all First Nations. The spiritual  
3                   significance is still there today.

4                   A meeting place is defined in our oral  
5                   history by our ancestors that the name Manitoulin  
6                   Island translated into the Ojibway, Odawa, Pottawatami  
7                   language signifies that it is an island that the  
8                   creator made, thus hence all the historical ties that  
9                   we have.

10                  After 1850 we learned we had to live in  
11                  coequal existence with non-native people, when the  
12                  government opened our communities up. Ever since then  
13                  we have been following that, on the sharing concept of  
14                  people.

15                  But that sharing concept is very, very  
16                  endangered right now. I don't know if the panel has  
17                  ever assessed where Manitoulin Island is or ever  
18                  visited Manitoulin Island or probably looking at it on  
19                  maps or something like that, but it is a place that all  
20                  the First Nations are represented by UCCM.

21                  As with the comments made by speakers  
22                  from that area, we also have to defend Manitoulin  
23                  Island, because there is a commodity that people are  
24                  talking of that they are taking for granted. That  
25                  commodity we are looking at is water.

1                   Water alone is what makes people live,  
2           you and I and people that are in this room. If it  
3           wasn't for water, we wouldn't be here, period. We  
4           wouldn't have the electricity that we are even today  
5           uselessly wasting in this room.

6                   On the concepts of the three groups of  
7           people and the oral history they hold and all -- the  
8           teachings that they have handed down, they talk of a  
9           time in what is known as the seventh prophecy, where  
10          non-native people had a turn-around point where they  
11          can either make it or break it for their society. The  
12          people have always held true to the prophecies and the  
13          rebirth of our nation as it exists today.

14                   We have been trying to warn people that  
15          if you waste and waste and waste, and if we don't have  
16          any input into the say of how land, how air, how water  
17          should be dealt with, then we look at a society that is  
18          very wasteful. A society that is motivated solely by  
19          greed, which is hurting the economy that they so dearly  
20          protect.

21                   If they can only live in coequal  
22          existence, comanagement, as if we can sit equals, we  
23          can be able to share some of the knowledge that our  
24          peoples have.

25                   If I told you today that the white fish

1 are dying, which was a vast fish in the Great Lakes at  
2 one time, that the fish are turning spongey, there is  
3 some disease that is going on with the fish, how many  
4 people would adhere to that?

5 How many of the people would adhere to  
6 now, when the old people say don't drink the water that  
7 flows in the North Channel, when the communities that I  
8 mentioned, all their water supply comes from the North  
9 Channel?

10 There is pollution that comes from Sault  
11 Ste. Marie, there is pollution that comes to us from  
12 Espanola, from Blind River. Not only the native  
13 communities on Manitoulin Island suffer from that,  
14 non-native communities suffer because they drink the  
15 same water. So the commodity of water is very, very  
16 dear to the people.

17 They also say that sometime they will see  
18 the Great Lakes dry up. I think, ladies and gentlemen,  
19 that is very, very close. When the old people, when  
20 the seers of our people, when they say things like  
21 that, the non-native people, some of the non-native  
22 people don't have any idea what they say, and they  
23 don't want to adhere to it.

24 When they talked of timber management, we  
25 belong in a treaty area, what is known as the

1 Robinson-Huron area, it was based on nation to nation  
2 that some of our communities sat in with the federal  
3 people when they made these documents. Hopefully at  
4 that time the old people acknowledged that this was a  
5 nation to nation sitting. Little did they know that  
6 100 some odd years down the road we would still be  
7 fighting for that nation to nation recognition.

8 It comes down to the point where part of  
9 that treaty area that we are from just so happens to  
10 fall within the north shore area, which just so happens  
11 to fall within Manitoulin Island jurisdiction, which  
12 just so happens to fall within our communities and  
13 jurisdictions.

14 Yes, we have a say in what goes on there.  
15 The communities on Manitoulin Island, the native  
16 communities, pass unanimously a nuclear-free zone. For  
17 the unborn people that are coming, for the young ones  
18 that are here and their children, our grandchildren, we  
19 have made that decision, that we will oppose any  
20 activity that injures the nature around our area.

21 People still have to define our  
22 jurisdiction, the people still have to understand the  
23 province of Ontario, the government of Canada has to  
24 understand that we have a jurisdiction, we have hunting  
25 grounds, we have fishing grounds, we have spiritual

1 grounds, we have burial grounds. The time has come  
2 when another assessment, another panel goes out, and  
3 hopefully they will take into consideration that maybe  
4 under invitation they will come into Manitoulin Island  
5 and hear some of the old people, and we will gladly  
6 provide translators.

7 If I talked in our language, I would  
8 stress how important that is. That what I voice from  
9 the communities, from Manitoulin Island, the non-native  
10 communities, that under their direction I feel safe in  
11 saying these things. That yes it is important that  
12 whatever the cost is, that people would have that  
13 educational experience to view Manitoulin Island,  
14 because of the sole connection that we have with the  
15 water that surrounds us.

16 It can only be accessed by one land  
17 ridge, by boat or by air. And it has quite a  
18 significant impact on the people of Ontario, if they so  
19 desire to be citizens of this province, that we hold  
20 one of the largest fresh water islands. If that is not  
21 history, I don't know what is then. But the legends,  
22 the people that have made Manitoulin Island to this  
23 present day want to retain that.

24 We seen and we heard and we felt numerous  
25 things on north shore. We seen and dealt with numerous

1 things develop on Manitoulin Island. But that coequal  
2 existence that I talk of has also been there ever since  
3 non-native people started moving onto Manitoulin  
4 Island, where a fair, equitable sense of common sharing  
5 and understanding of each other holds that island  
6 together.

7 It is nice that the assessment panel is  
8 going, but there are far more articulate people that  
9 would hold the panel at bay for numerous days if they  
10 want input for Manitoulin Island.

11 Already we have seen how the water flows  
12 when it leaves Lake Superior, already we have seen how  
13 it is filtered through Sault Ste. Marie and how it goes  
14 on to the North Channel, Lake Huron, Lake Michigan, and  
15 how it is getting into Lake Ontario, this water that is  
16 just not two miles away from us, or maybe two  
17 kilometres, whatever. That water is no good any more.  
18 It is not fit for humans. They use it daily.

19 So the sole existence, the sole message I  
20 have from the people there, if you tarnish or if  
21 Ontario Hydro is even thinking, which they already are,  
22 about using some of the natural resources that are  
23 there, whether they be for nuclear, fossil or  
24 hydraulic, that yes it is going to have a very strange  
25 and very detrimental impact on the First Nations that I

1 spoke of.

2 And based on that, we will forever again  
3 voice to the people that if they do not sit with the  
4 native communities, if they do not ask on how to do  
5 things, then things will not be right. We shall live  
6 in a false society again.

7 If you look at the rendition that I heard  
8 from Ontario Hydro, when I sat with them on how  
9 beneficial a nuclear reactor would be on the north  
10 shore, they said, "Yes, there will be employment." And  
11 I asked, "How many native people are employed within  
12 that area? How many native people do you employ within  
13 Pickering, within that area?" And sad to say there was  
14 none within management, within technologists. We were  
15 shown a token few in labour.

16 So the economy is not based on that,  
17 because a lot of the employment will come from large  
18 metropolis areas. That we understand. A lot of the  
19 power, if it does go out, will go out to large  
20 metropolis areas. And that is the time that the  
21 governments will have to seriously consider maybe  
22 having definition on land rights, on inherent rights,  
23 aboriginal rights, and what we as a race of people have  
24 to say on the development of northern Ontario.

25 For the benefit of all people, and I am

1 not trying to stop anybody, we have to have an active  
2 role into the input of however this province thinks  
3 they are going to progress. We have to have that input  
4 based on the oral importance of our very own survival,  
5 based on all the environmental groups and all the  
6 people that are concerned, yes, we coincide with them,  
7 because they have an understanding of the way the life  
8 is, whether it is on land, whether it is in water,  
9 whether it is in air, and how greatly it affects all  
10 people.

11 And based on experience, I come from a  
12 time when Ontario Hydro didn't exist in my community,  
13 where at a very young age I was brought up in a log  
14 cabin, and I seen how progress changed our lives. And  
15 to this day it is forever changing us, and we have to  
16 modify our lives to understand what is going on. And  
17 based on the history of our people, yes, we have to  
18 come out and make these presentations to tell them that  
19 it is time that we have an educational sitting, where  
20 people will understand our views, our worldly views,  
21 our holistic views, and to how life is connected.

22 I guess for the Panel's interest, UCCM is  
23 made up of those communities. Presently we are  
24 recognized as reserves. We have that linkage. But  
25 also we have a very much deeper role to play today, and

1 I guess of the teachings of the elders within our  
2 communities, I have to inform the Panel that we as  
3 keepers of the land, we as faith keepers of the people,  
4 have to make these known for the benefit of human life,  
5 whether it be native or non-native, and also for animal  
6 life, whether it be land, whether it be aquatic, or  
7 whether it be air. That we have certain privileges  
8 that are set down nation to nation. That as the man  
9 stressed before you, that yes that contract is still  
10 binding. The waters are still flowing.

11 And that is one of the messages that I  
12 bring from the elders within the community, from the  
13 councils within those communities. That yes, we want a  
14 safe environment, we want a safe environment for the  
15 young ones and for the ones yet to come, the ones yet  
16 unborn.

17 And I speak from the ones that went on  
18 and gave us these teachings, and hopefully some day you  
19 will be able to understand, where we can sit down and  
20 have a good educational experience, where we can lay  
21 some of this information that people can use for the  
22 benefit of all of the people that live in Ontario.

23 Thank you.

24 THE CHAIRMAN: Thank you. Thank you,  
25 Chief.

1 THE CHAIRMAN: Canadian Petroleum  
2 Association. This will be the last one this afternoon.

3 MR. NEUFELD: Thank you sir, I will be  
4 brief.

5 OPENING STATEMENT BY MR. NEUFELD:

6 My name is Richard Neufeld, and I  
7 represent and appear before you on behalf of the  
8 Canadian Petroleum Association.

9 Sir, the Canadian Petroleum Association  
10 is comprised of medium to large oil and gas exploration  
11 and producing companies in Canada. The CPA's member  
12 companies produce approximately 70 per cent of Canada's  
13 natural gas and supply a significant portion of the  
14 Canadian gas sold in Ontario.

15 The CPA's primary interest in this  
16 proceeding, sir, is to assist the Board and the other  
17 hearing participants in their understanding of the role  
18 which can potentially be played by natural gas as part  
19 of the Demand/Supply Plan.

20 As you heard from Mr. Rogers earlier, the  
21 Ontario Natural Gas Association has a somewhat similar  
22 perspective and intends to participate rather  
23 extensively in this proceeding, and as I interpret his  
24 comments, will be addressing the benefits associated  
25 with natural gas use, including its environmental

1       benefits in some detail.

2                       The CPA does not intend, sir, to do  
3       duplicate ONGA's contributions in those areas. Rather  
4       it is our intention to focus the CPA's efforts on the  
5       topic of natural gas supply, which the Association  
6       believes is an area in respect of which it can make a  
7       unique contribution to your process, and hence really  
8       gives rise to a duty for the CPA to participate in this  
9       proceeding.

10                      The general position, sir, that the CPA  
11       would be advocating is that Canadian natural gas can be  
12       available for use in the generation of electricity in  
13       Ontario, whether that generation is undertaken by  
14       Ontario Hydro itself or by non-utility generators.

15                      Significant volumes of Canadian gas are  
16       currently contracted, sir, for use in electrical  
17       generation facilities in the northeastern United  
18       States, and given the appropriate regulatory  
19       infrastructure, there is no reason to believe that the  
20       same trend could not materialize in Canada to a greater  
21       extent than has been the case to date.

22                      The thrust of the CPA's participation in  
23       this proceeding then, as we currently envisage it, sir,  
24       would be to describe for the Board the factors which  
25       influence the availability of natural gas for

1       electrical generation in Ontario.

2                       The Association will describe how natural  
3       gas producers operate, in terms of the planning  
4       processes used for exploration and development  
5       activities; it will describe in a general fashion the  
6       manner in which governmental and regulatory policies  
7       and decisions influence exploration and production  
8       activities; it will also identify the types of  
9       governmental and regulatory policies at both the  
10      federal and provincial levels which promote and enhance  
11      the availability and the security of supply of natural  
12      gas for electrical generation in Ontario.

13                     In taking this approach, it is hoped,  
14      sir, that the Board's process would be assisted through  
15      a clearer understanding of the factors that influence  
16      natural gas availability and cost, and at the very  
17      least it is hoped to ensure that your assessment of the  
18      natural gas option does not proceed on the basis of any  
19      misconceptions, either as to the availability of  
20      natural gas or the cost associated with natural gas  
21      use.

22                     Turning to the nature of the CPA's  
23      participation, it will come as no surprise to the  
24      Panel, I'm sure, that the CPA's interest in the Ontario  
25      Hydro's evidence relates primarily to panel No. 8,

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1                   To conclude, Mr. Chairman, the CPA does  
2           not intend to participate expensively in this  
3           proceeding, nor does it intend to take a particularly  
4           adversarial position regarding the Ontario Hydro  
5           proposal. The Association does believe, however, that  
6           it can contribute to the Board's understanding of the  
7           natural gas option and that it has an obligation to its  
8           member companies and, more importantly, to the Canadian  
9           and Ontario publics to endeavour to make that  
10          contribution. Thank you, sir.

11                   THE CHAIRMAN: Thank you.

12                   There remains the Coalition of  
13          Environmental Groups, Energy Probe, Voice of Women,  
14          Pollution Probe, Ms. Mackasey and Mr. Hunter and IPPSO.  
15          Have I left anyone out?

16                   (No response)

17                   We will adjourn then until tomorrow  
18          morning at ten o'clock.

19          ---Whereupon the hearing was adjourned at 4:42 p.m.,  
20          to be reconvened on Tuesday, April 23, 1991, at  
21          10:00 a.m.

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